



**Manual**  
of  
**Act, Rules and Standing Orders**  
relating to  
**Mines and Minerals**

*Revised (Second) Edition*

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# TABLE OF CONTENTS

	PAGES
List of Abbreviations ... ..	iii
Introduction to the Bombay Mines Manual, 1918 ...	v & vi
Introduction to the Bombay Mines Manual, 1927 ...	vii & viii
PART I—Statement of Objects and Reasons relating to the Indian Mines Act, 1901, and Debates under- lying the Indian Mines Act, 1923 ... ..	1 to 94
PART II—Comparison of the Indian Mines Act, 1923, as amended with the Indian Mines Act, 1901, as amended ... ..	95 to 136
PART III—Rules and Orders regulating the grant of Prospecting Licenses and Mining Leases ...	137 to 201
PART IV—Standard Forms of Prospecting License, Mining Lease and Agreements for use in connection with the transfer of License or Lease ...	203 to 244
PART V—Regulations and Rules under sections 29 and 30 respectively of the Indian Mines Act, 1923...	244-A to 314
PART VI—Miscellaneous Rulings, Orders, etc. ...	315 to 329
Index to Government Resolutions, etc. ... ..	330 to 333
Alphabetical Index ... ..	334 to 352
Statement regarding the insertion of correction memoranda to the Manual .. ...	353



## LIST OF ABBREVIATIONS

- Adv. Genl. = Advocate General, Bombay.
- G. I., C. & I. = Government of India, Department of Commerce and Industry.
- G. I., F. & C. = Government of India, Department of Finance and Commerce.
- G. I., For. Dept. = Government of India, Foreign Department.
- G. I., For. and Pol. = Government of India, Foreign and Political Department.
- G. I., I. and L. = Government of India, Department of Industries and Labour.
- G. I., R. & A. = Government of India, Department of Revenue and Agriculture.
- G. I., H. D. = Government of India, Home Department.
- G. L. = Letter from the Government of Bombay, Revenue Department.
- G. M. = Memorandum from the Government of Bombay, Revenue Department.
- G. N. = Notification of the Government of Bombay, Revenue Department.
- G. N., J. D. = Notification of the Government of Bombay, Judicial Department.
- G. N., H. D. = Notification of the Government of Bombay, Home Department.
- G. O. = Order of the Government of Bombay, Revenue Department.
- G. R. = Resolution of the Government of Bombay, Revenue Department.
- G. R., F. D. = Resolution of the Government of Bombay, Financial (now Finance) Department.
- G. R., G. D. = Resolution of the Government of Bombay, General Department.
- G. R., P. D. = Resolution of the Government of Bombay, Political Department.
- G. C., P. D. = Circular of the Government of Bombay, Political Department.
- G. L., P. D. = Letter from the Government of Bombay, Political Department.
- L. R. = Remembrancer of Legal Affairs, Bombay.
- Notn. = Notification.

Abbreviations used in the Alphabetical Index. {

n. = Note.

r. = Rule.

s. = Section of the Act of 1923.



## INTRODUCTION TO THE BOMBAY MINES MANUAL, 1918

The Indian Mines Act, No. VIII of 1901, came into force on 22nd March 1901. The Native States are not affected by it: they are numerous, occupy 2/5th of the Empire, and include several fields, *e.g.*, Kolar Gold Field (Mysore), Singareni Coal Field (Hyderabad-Deccan), and Umaria Coal Field (Rewah, Central India).

The Mining and Geological Institute of India was inaugurated at the end of the year 1905. Its objects are the promotion of the study of all branches of mining methods and of mineral occurrences in India, with a view to disseminating the information obtained for facilitating the economic development of the country. The Bureau of Mines Inspection was formed on 7th January 1902.

• A review of the mineral production of India was published in 1905 by the Director of Geological Survey for the six years ending 31st December 1903. Since then the review is published quinquennially. Figures of production of all minerals raised in British India and in Native States, whether from working under the Act or not, are published annually in the records of the Geological Survey of India.

In May 1899 the Government of India, with the previous approval of the Secretary of State for India, promulgated a detailed set of rules to regulate the grant of exploring and prospecting licenses and mining leases. These rules devolved on the Local Governments much of the duty which, under the original rules of 1894, rested upon the Government of India. Since then mining operations have made great progress in many parts of India. In consequence Sir T. Holland, Director of the Geological Survey of India, who was acquainted with the views of Local Governments on the subject, held the opinion that the rules required to be recast in several respects. There was also a general disposition on the part of Local Governments to claim greater power in the disposal of applications for prospecting licenses and mining leases. New rules superseding the rules of 1899 were published by the Government of India on 15th September 1913. By these rules the Government of India have, where possible, delegated powers to Local Governments and their



## INTRODUCTION TO THE EDITION OF THE BOMBAY MINES MANUAL, 1927

The revision of the Manual has been necessitated by the introduction of the Indian Mines Act, 1923, repealing the Indian Mines Act, 1901. The latter Act, prescribing the rules and conditions under which mines were to be worked in this country, was not in consonance with the changes introduced by the Constitutional Reforms. Under the Reforms Scheme and the Devolution Rules, the regulation of mines is a Central subject. The first object, therefore, of the new Act is to define the spheres of activity of the Central and Provincial Governments in regard to mines and the necessary conditions about their working. The new Act reserves to the Central Government all technical questions connected with the conditions of working in mines, and leaves with that Government the responsibility of laying down the technical conditions which must be complied with as well as the appointment of Inspectors to see that those technical conditions are observed. To the Local Governments questions of a purely administrative nature, such as the holding of inquiries are left.

2. The second main object of the new Act is to honour the obligations resulting from the acceptance by the Indian Legislature of certain conventions passed at the Washington and Geneva International Labour Conferences regarding the regulation and control of employment of labour in industries. The new Act gives legal sanction to the undertaking given in this respect by the Indian Legislature. It prescribes a weekly rest day in working all mines, and a weekly limit of 54 hours of work below ground. The principle underlying the prescription of a weekly limit of hours may become very important when a system of daily shifts is introduced. The Act also prohibits the employment in mines of children below the age of 13 years. Even the presence below ground of children under that age is prohibited. This prohibition of taking any children down the mines may reduce the number of women who will go down those mines for working, and that is the first step towards a reform that must sooner or later come, namely, the outright prohibition of the employment of women in mines.

3. The Manual contains a comparative statement of the new and the old Act, and debates underlying the new Act.



Rulings and orders which are now obsolete have been weeded out, and the Manual has been brought up to date by the inclusion of all new rules, regulations, orders and forms. Care has been taken to quote the Resolution, Notification, etc., introducing or amending every rule, regulation, order or form and, in order to facilitate the tracing of such authority, an index has been prepared in addition to the usual alphabetical index.

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## PART I

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STATEMENT OF OBJECTS AND REASONS RELATING TO THE  
INDIAN MINES ACT, 1901, AND DEBATES UNDERLYING  
THE INDIAN MINES ACT, 1923

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# THE INDIAN MINES ACT, 1901

## STATEMENT OF OBJECTS AND REASONS

The object of this measure is for the regulation of work in, and the inspection of, mines in India. The Government has at present no legal power to inspect mines, to require notice to be given of the occurrence of mining accidents, to enforce proper precautions in the working of mines, for the better avoidance of accidents and the protection of the miners, or to regulate the employment of women and children on underground work or in respect of work which is dangerous or unsuited to their age or sex.

2. In England these objects are secured by two elaborate Statutes, entitled respectively the Metalliferous Mines Regulation Act, 1872, and the Coal Mines Regulation Act, 1887, and similar legislation exists in other countries in which there is mining on a considerable scale. The need for an Act has been recognized for some time past by Her Majesty's Government at home and by the Government of India, and the present Bill is founded on the Report of a Committee which was convened in Calcutta by the Government in 1895, and which, after visiting various mines in Bengal and taking evidence from mine-owners, managers and others, prepared the draft of a Bill and of detailed rules to be made under its provisions. The Committee's Report and their draft have been considered by the several Local Governments and by Companies and persons interested in the mining industry, and in framing the present Bill due advertence has been had to the suggestions and criticisms received from these sources.

3. It is proposed that the Bill shall extend to the whole of British India and to all classes of mines. It is recognised that different classes of mines require different regulations, and that precautions and appliances may be necessary in mines of one class which may be dispensed with in others; and it is considered that this difference of treatment can be most conveniently secured by statutory rules. Power is accordingly taken in clause 21 of the Bill to make rules on all matters concerning the regulation of mines, and such rules may be made applicable either to all mines or to any classes of mines, and to the whole, or to any part, of British India. Following the principle of the English Statutes, power is further taken in clause 22 to allow special rules to be made for any particular mine in order to provide for matters which are not dealt with by the general rules. And in clause 28 power is taken to exempt from the operation of the proposed Act any local area, or any mine or class of mines, or any person or class of persons. It is considered that these provisions will enable the Government to adjust the enactment in its practical working to the very varying circumstances of the mining industry in different parts of the country and to the different kinds of mines to which it will apply.

4. Clauses 4 to 7 of the Bill deal with the appointment of Inspectors of Mines and with their powers of entry and inspection. There is already an Inspector of Mines for the whole of British

India, appointed by the Government of India, although he is at present without statutory powers of any description. The Bill makes the continuance of this office obligatory, and also provides for the appointment, as may be necessary, of Provincial Inspectors and for regulating their subordination to the Imperial Inspector. Power is also taken to invest the District Magistrate with all or any of the powers of an Inspector. The powers given to Inspectors by section 6 follow in the main the provisions of the English Law.

5. Clauses 9 to 12 deal with the employment in, and admission of children to, mines, and enable rules to be made for prohibiting, restricting or regulating the employment of women and children below ground, or on particular classes of labour; for limiting the number of hours in any week or in any one day during which women and children may be employed; for prescribing the method of determining the wages of miners, where such wages depend on the quantity of work done; and the like. The regulations adopted in the final protocol of the Berlin International Labour Conference of 1890, which was attended by delegates of the Governments of Europe on the invitation of the Imperial German Government, contained the following, among other, propositions:—(1) that children below the age of fourteen years in northern countries, or below that of twelve in southern countries, should not be admitted to underground work in mines; (2) that women should not be allowed to work underground; (3) that children below fourteen years should not work more than six hours a day and should be excluded from unhealthy or dangerous occupations, or should be admitted to them only under protective conditions; and (4) that the working hours of women should be limited by law and further restricted in respect of particularly unhealthy or dangerous occupations. With reference to these recommendations, which carry the weight of an International Conference, to the law on the subject in England, and to the special labour conditions existing in India, it is proposed in the Bill to prohibit the employment below ground of children under the age of ten years, and the admission below ground of children between the ages of four and ten. The object of the latter provision is to allow very small children to remain during the hours of work with their parents or relatives, if the latter work underground. With regard to women and to children between the ages of ten and fourteen years, it is not proposed to go farther than to take power by rule to prohibit, restrict or regulate their employment underground if in any class of mine this is found to be expedient. There is evidence that the moral objections felt in other countries to the employment of women underground are not applicable to the conditions existing in India, where the woman works in the company of her husband on the family gang system; and it has been strongly urged that the exclusion of women absolutely from underground work would be felt by them and their husbands as a hardship, and that, where the mine is safe, the workings are at no great depth and there is no heavy machinery running, the objections on the score of health and safety to their employment are small. On the other hand, there are mines, or

parts of mines, or kinds of underground work, from which women ought to be excluded, and it is proposed to deal with such cases by rule. With regard to the regulation of the employment of children between the ages of ten and fourteen years attention is called to the definition of "child" in clause 3 of the Bill.

6. Clauses 13 to 20 deal with the responsibilities and duties of owners, agents and managers, with enquiries into accidents, and with the appointment of committees of reference in cases where notice of causes of danger, not expressly provided against by the proposed Act or by rules made under it, are given by an Inspector to the owner or agent with the object of requiring preventive measures to be taken. The provisions of the English Statutes on these matters have been adapted to Indian requirements. Clause 26, it may be observed, provides a procedure whereby a Criminal Court, if it finds a question of mining practice in doubt, may stay all criminal proceedings and move the Local Government to refer the matter to a committee of reference.

7. Power has been taken in sub-clauses (c), (d) and (e) of sub-section (2) of clause 21 to make rules for prescribing the qualifications of managers and persons acting under them, for ascertaining their qualifications by examination or otherwise, and for granting and withdrawing certificates. It is considered that this difficult matter of requiring mines to be managed by "certificated" managers can best be dealt with by rules.

8. In sub-clause (r) of the same sub-section power has been taken to provide for the safety of the public and the protection of public property and works from injury in respect of any mine. It is considered that the Government ought, for example, to have power to require the open workings of abandoned mines to which the public have access to be properly fenced in, and to insist on notice being given whenever underground workings approach within a prescribed distance of a railway or other public work, and thereupon to take the necessary steps to ensure safety. The question of giving protection to railways against risk from undermining has been repeatedly brought to the notice of the Government of India. Throughout the greater part of British India subjacent minerals are the property of the State, and, where this is the case, power to regulate their being worked by lessees so as not to injure railways or other public work already practically exists. But in places where minerals are not the property of the State unless they have been specially acquired, the existing law is imperfect as to the power of the State or of the railway administration concerned to obtain notice of approaching workings, or to make inspections for the purpose of ascertaining whether the line is being undermined. The Land Acquisition (Mines) Act, 1885 (XVIII of 1885), provides some protection in the case of land acquired under its provisions for public purposes after 1885 when such land is about to be, or is actually being, undermined; but its provisions in respect of notice and inspection are held not to apply to land acquired before 1885, or to the case in which the safety of a railway is threatened by underground workings which, without being prosecuted actually under

railway land, are brought dangerously close to its border. A railway has a legal right in such cases to "lateral support," and a cause of action arises when such right is assailed. But this is not sufficient to ensure the safety of a railway or of the public travelling by it.

C. M. RIVAZ.

The 13th March 1899.

H. W. C. CARNDUFF,

Officiating Secretary to the Government of India.

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DEBATES IN THE YEARS 1922 AND 1923 IN THE LEGISLATIVE  
ASSEMBLY AND THE COUNCIL OF STATE ON THE BILL TO  
AMEND AND CONSOLIDATE THE LAW RELATING TO THE  
REGULATION AND INSPECTION OF MINES

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**Legislative Assembly Debates on the Bill to Amend and  
Consolidate the Law relating to the Regulation and  
Inspection of Mines**

*15th September 1922*

**THE INDIAN MINES BILL**

**The Honourable Mr. C. A. Innes** (Commerce and Industries Member) : Sir, I move for leave to introduce :

“ A Bill to amend and consolidate the law relating to the regulation and inspection of mines.”

I am afraid it is again my fate, Sir, to introduce in this Legislature, a rather difficult and contentious measure, but I have no hesitation in saying that the House will accept the proposition that legislation of some kind to amend the Indian Mines Act is necessary and after all at this stage that is the main point with which we are concerned. Our existing Act, Sir, dates from 1901. It has on the whole worked remarkably well but it is only natural that 21 years' experience of the working of the Act should have disclosed defects which require remedy. Indeed we have long had the amendment of the Act under consideration and the question has now been brought to a head by the introduction of the Reforms Scheme. Under the Devolution Rules the regulation of mines is a Central subject. The existing Act is defective in that it makes no clear distinction between the functions of the Central Government on the one hand and the functions of Local Governments on the other. That is an obscurity which we must clear up. We must make a division between those functions which we should properly exercise and those functions which Local Governments should properly exercise. Fortunately the line of division is not hard to draw, and the line we are proposing to draw in the Bill has been unanimously approved by all Local Governments. The primary object of all legislation for the regulation of mines is to provide adequate safeguards for the safety of workers in the mines and to provide machinery for the enforcement of such safeguards as may be imposed. And, as I said, Sir, in dealing recently with the Boiler Laws Amendment Act, it is obvious that safeguards of this kind must be uniform from province to province, and that indicates the line of division we propose to draw. In this Bill we propose to confer upon the Government of India the power of framing such regulations as may directly or indirectly affect the safety of workers in mines. Having done that, in accordance with our usual practice, we propose to leave Local Governments to carry on the detailed administration of the Act. As I have said, all Local Governments have agreed to this proposal.

But, Sir, we are also taking the opportunity of introducing provisions to regulate employment in mines. This is an innovation in India, as our existing Mines Act contains no provisions to regulate employment in mines, and it is here, I am afraid, that the Bill opens up difficult and contentious questions. As is usual in the case of

legislation of this kind, we have to hold the balance as evenly as we can between what we should like to do and what is practicable. We have to consider the conditions of working in mines. We have to consider the classes of workers in mines. If this Bill is passed into law, it will affect mainly the coal mines in Bihar and Bengal fields. These coal mines are the most important classes of mines in India, and the workers in these mines are largely aborigines, Santhals, Bauris, and the like. They are not accustomed to discipline. They are accustomed to work in a way that suits them best. They are not entirely dependent on coal mining. They combine coal mining with agriculture. They come when it suits them. They go when it suits them. What we have to be careful of is lest we should by drastic legislative changes introduce changes in their conditions of work which may not suit them. If we do that, we may deprive them of a source of livelihood which they have at present. Moreover we may dislocate an industry upon which all other industries in India, or practically all other industries in India, are dependent. That is a danger we should always keep in mind. What we have done, Sir, in this matter is to follow as far as possible our International obligations. Take the question of limitation of hours of work. The House will remember that the Washington Conference adopted a Convention which applied to India the principle of a 60-hours week. I may remind the House that it has ratified that Convention. For workers above ground in mines we have proposed this 60-hour limit. For workers below ground we have gone rather beyond the terms of the Draft Convention and we have suggested a 54-hour week, but I may mention that a special committee of that Conference particularly recommended to the Government of India that we should consider whether the hours of work underground in mines could not be reduced. We have consulted Local Governments on our proposals. The Government of Burma is opposed to any restrictions on hours of work. At a later stage, if the House will allow me to introduce this Bill, I shall propose that the Bill be committed to a Joint Committee, and it will be for the Joint Committee to decide, at any rate, in the first instant, whether a case can be made out for special treatment for Burma. Other Local Governments generally agree in our proposals, particularly those two Local Governments which are principally concerned, the Government of Bihar and Orissa and the Government of Bengal. Then, Sir, last year the Conference of Geneva adopted a Draft Convention enforcing the principle of a weekly rest day in industrial undertakings. I have not yet been able to place that Draft Convention before the House for ratification, but in this matter I have ventured to anticipate their verdict at any rate provisionally, and we have included a clause in this Bill which enforces in respect of miners the principle of a weekly rest day. It is a principle which I hope will commend itself to everybody in the House. Then I come, Sir, to the most difficult question of all—the question of the employment of children in mines. Here again I must take the House back to the Washington Conference. That Conference adopted a Draft Convention which limited the age of children for admission to industrial employment to 12 years. That

Convention has been ratified by this Assembly. Now, what we should have liked to have been able to do in respect of mines is this. We should be able to prohibit altogether the employment of children, under 12 years, in mines, and, as in factory legislation, we should like to have been able to introduce a half-time system for children between the ages of 12 and 15. But we made careful inquiries into this matter in the coal-fields and elsewhere, and we are satisfied that at present it is not possible for us to impose any daily limit of hours of work in mines. We are also satisfied, as a necessary corollary to what I have said, that it is quite impossible for us to work in the mines any half-time system, and therefore we have adopted a compromise. Like all compromises, it is probably not a very satisfactory one, but it is the best we can do. We have suggested that children up to the age of 13 should not be employed in mines at all; and we have gone further than that, Sir, and this proposal, though we have not put it into the Bill without the most careful consideration, must be taken for the present as merely tentative. We do not merely prohibit the employment of children in mines; we propose that children below the age of 13 should not be allowed to be present in a mine at all. That is an innovation. At present, miners are apt to go down with their wives and womenkind and their small children. The effect of this proposal, if it is carried out, may be to reduce the employment of women in mines; it may indeed be the first step towards the prohibition of employment of women in mines altogether. But after careful consideration we do not think it right that small children should be allowed to spend weeks of their lives in the atmosphere of underground galleries of mines. Our proposal will no doubt be canvassed by Mining Associations and Local Governments all over India, and will no doubt be further considered by the Joint Committee. But it is proposed provisionally at any rate and we attach importance to the proposal. I do not think I need say anything more at present. It is possible that some people may think that we have gone too far; it is possible that others may think that we have not gone far enough; at any rate we have made the most careful inquiries in the coal mines ourselves and we are satisfied that our proposals are as far as we can safely go at present. The procedure I propose for this Bill is that if the House will allow me to introduce it, at a later stage it should be referred to a Joint Committee. It will be circulated to all concerned, and that Joint Committee will have an opportunity of shifting the opinions received and making a further examination. In the meantime I hope that I have established my proposition that we must have some legislation of this kind. Legislation, as I have pointed out, is needed, because we must demarcate between our functions and the functions of Local Governments, and legislation is also needed because we must make at least a beginning in this very important matter of the regulation of the employment of miners. If we make a beginning now, as time goes on, conditions will adjust themselves, and we shall be able to make a further advance,—at least I hope so.

I now move, Sir, that I be given leave to introduce this Bill.

**Mr. President :** The question is :

"That leave be given to introduce a Bill to amend and consolidate the law relating to the regulation and inspection of mines."

The motion was adopted.

**The Honourable Mr. C. A. Innes :** I now introduce the Bill, Sir.

*20th September 1922*

### THE INDIAN MINES BILL

**The Honourable Mr. C. A. Innes** (Commerce Member) : I beg to move, S :

"That this Assembly do recommend to the Council of State that the Bill to amend and consolidate the law relating to the regulation and inspection of mines be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of 18 Members."

I explained, Sir, when I introduced the Bill the reasons why the Government thought it necessary to place this measure before the House, and I explained that the measure was necessary because under the Reform Scheme it is essential that we should demarcate the functions of the Central Government and of the Local Governments, respectively, under the Mines Act, a point in which the present Act is defective. I explained also, Sir, that we were taking the opportunity of introducing certain provisions to regulate employment in the mines. I now propose, Sir, that this Bill, which, I admit, is in some respects a difficult Bill, be referred to a Joint Committee of both Houses before it is again brought up before this Assembly.

**Mr. N. M. Joshi** (Labour Interests : Nominated Non-Official) : Sir, although I am rising to speak on this motion, I make it quite clear at the outset that I do not propose either to move any amendment to the motion or to oppose it. My object in making a few remarks on the motion at this stage is to show the deficiencies and the omissions in this Bill in order that the Joint Committee should make good those deficiencies and omissions and that the Bill should be in keeping with the spirit of modern times.

Sir, it will be readily admitted that mining work entails more hazards and is more unhealthy than factory work of other kinds. It is certainly more hazardous and more unhealthy than agricultural and other open air work. When we admit this, we must also admit that the mining work requires to be regulated more stringently than any other kind of work, more than even factory work. But, Sir, it is rather surprising to me that the attitude of the Government of India towards mining is very different to their attitude towards factory work. They began regulating factory work much earlier than they thought of regulating work in mines. Not only that, but, if we look at the present Factory Act, we shall find that it is much in advance of the Bill which is placed before us to-day.

Sir, I have stated at the beginning that mining work requires to be regulated much more than any other kind of work. If we look at the history of labour legislation concerning mines, we shall find that in all other countries regulation of work in mines has preceded the regulation of work in factories. As far back as 1842, women's work underground was prohibited in England and, since that time, there is hardly any period in the history of the English Parliament when mining regulations were not improved from time to time. But what do we find here in India? I am told that the first coal mine to be worked in India was started in 1820. But for seventy long years the Government of India did not see the need for any regulation of work in mines. I do not know whether they ever inquired in this interval as to the conditions of work in mines. It also seems to me that at least in this matter the Government of India depends upon some outside stimulus for being moved to action.

Sir, it was the International Conference held in Berlin in 1890 at the instance of the Government of Germany that the Government of India was first moved to inquire whether the conditions in Indian mines were satisfactory from the point of view of labour or not. And, then, after three or four years, the Government of India appointed the first Inspector of Mines. Then, Sir, nearly seven years after the appointment of this Inspector, the Government of India passed its first legislation regulating work in mines.

Sir, we must be thankful to the Government of India for having passed that legislation because something is better than nothing. But those who have studied that legislation will agree with me that there are hardly any provisions in that Mining Act which protect the interests of labour. I do not say there are no regulations at all but from the point of view of the interests of labour there are hardly any regulations. Unfortunately, there were some difficulties in the way of Government in those days. There were Legislative Councils, but in those Councils mine-owners and capitalists only were represented, labour having no representation whatever; therefore Government could not take a very bold step. There may therefore have been some excuse for Government's action in these circumstances; I do not know.

Sir, since the year 1901, it is now twenty years when Government is moving to improve their mines regulations. And what makes them move again? It is the International Conference held at Washington. I do not mind what makes the Government move whether their own initiative or the stimulus given by the International Conference, but I am glad that after all the Government of India has begun to move in this matter. I am therefore very thankful to them and I express these thanks on behalf of the working classes of India. But, Sir, let us examine what this Bill does for the working classes who work in mines. There is no doubt a clause regarding the prohibition of the employment of children in this Bill. Not that in the previous Act Government had

no power to prohibit child labour under certain conditions. Government did possess that power but unfortunately they never thought of using the limited power which they had under the first Act. I am glad in this new Bill they are going to prohibit the employment of children in mines up to the age of 13. They have also in this Bill put a limit to the total number of hours to be worked by miners during the whole week. But, Sir, those who have studied the conditions of work in Indian mines know that this regulation will not be of much practical use. The miners, in this country, generally do not work during the week for more than the period which Government has fixed in the Bill. Not only that, but, Government proposes to make an exception in the case of those people to whom alone the limitation of hours is likely to be applicable. From the Explanation given in some Clauses, I find that Government proposes to make an exception in the case of those people, people who work at the pumps. I do not know why they should make an exception in the case of these people, because it is these very people who want protection as regards the total number of hours to be worked in a week.

Then, Sir, Government have also provided for a weekly rest day for the miners. This again is not of much use, for already the miners take not one, but usually two holidays in the week. They have also been kind to give some partial representation to the employees in the mines on the Mining Boards and the Mining Committees. I again thank the Government for introducing these features in the present Bill. But I feel it my duty on this occasion also to point out its deficiencies. The main feature of any mining legislation in all civilised countries is the prohibition of the employment of women underground. I said in the beginning of my speech that in England this prohibition was placed in the year 1842 and there is hardly any civilised country in the world at present where women are allowed to work underground. But, Sir, in our new Bill, which is being considered in the year 1922, 80 years after England prohibited the employment of women underground, we are not making any provision for such a prohibition. I also said in the beginning of my speech that work underground in mines is more unhealthy and hazardous than any other kind of work. It naturally produces harmful effects upon the health of women, because it exposes them to accidents. Although it may be necessary for the men to do this hazardous work, it is but proper that we in India should not expose our womankind to these dangers to health and to safety of life. Then, Sir, let us consider the effect of the employment of women underground upon their family life, and upon their morality. A woman who works underground goes there early in the morning and returns home in the evening along with her husband. Under these conditions she cannot be a good wife, nor could she be a good mother. Sir, we all expect when we come home after a hard day's work that we should meet our young ones and our wives and that gives us great comfort. (Laughter.) What happens to the miner? He goes along with his wife underground at 6 or 7 o'clock in the morning and returns home at 5 or 6 or 7 P.M.

The result of this is that the miner who does not get any comfort at home seeks a kind of relief and rest in the grogshop. Sir, it is said that 75 per cent. of the miners drink. I for one would attribute this high percentage of drinking to the employment of women underground, and I am quite sure that I will be supported by authorities which the Government of India will not be able to challenge. The evil does not stop here. The employment of women underground makes people drink. But what happens further? When a man becomes addicted to drink, he spends away his money. He wants some additional income and he therefore compels his wife against her wish to go underground and add to the family income. This is therefore a vicious circle. The man drinks because the woman goes underground to work with him and does not give him the happiness of home and family; and the man forces her to work simply because he wants more money for his drink. If this vicious circle is at all to be broken, the employment of women underground must be prohibited. There is no other way. If the facts are these, what makes the Government of India and the mine-owners of India allow the employment of women underground? Sir, it is said that in India miners work on the family gang system, the whole family goes underground, man, woman, children and even babies, and therefore the evil effects of this system are not so great in India as in other countries, and so the system may be tolerated or permitted in India. Personally I believe this argument does not hold water. Simply because women work underground in a family the atmosphere of the mine does not change, and the hazards of the occupation are not reduced. But it is said that there is an effect upon the morality of women, and the husband likes his wife to work in his presence. Sir, when this argument is used, I feel that we, the educated classes, we who belong to the upper classes, attribute feelings and sentiments which really belong to us, namely, the feeling of the male jealousy for the other sex, to those classes among whom these feelings do not exist at all. The working classes place full confidence in their womankind. Look at Indian society. Which classes have got their purdah, the veil? The upper classes and the educated classes, not the working classes. Therefore, if any man says that a miner wishes his wife to go down with him because he cannot trust her away from him, I for one shall not believe that statement. I believe it is a libel upon the working classes of India.

Sir, the real motive of the mine-owners in employing women is that in the first place women's labour is very cheap. In the second place, women naturally, as they belong to the weaker sex, are more docile and accept service on easier conditions than men do. Moreover, women care for the family much more than men, and therefore for the maintaining of their family they are more steady in their work than men. For this reason alone, the employers want women to work underground. I have said that the argument that women work for domestic reasons has no substance. And for this statement I propose to quote the authority of Lord Curzon, who was Viceroy



and Governor General of India when the first Mining Bill was considered. This is what Lord Curzon said :

"I think too that Government should not shut its eyes to the fact that in a good many cases the labour of women and children is really engaged not for domestic reasons but simply for economy's sake ; in other words, because it is cheaper than that of men."

Sir, not only is woman labour cheap, but as a matter of fact women do more work. While throughout the whole world it is an acknowledged rule that women should be given a little less work, we in India give women much more work. Sir, I want to support my statement by quoting the authority of the first Inspector whom the Government of India appointed to inspect the mines. This is what Mr. Grundy says in his report for the year 1894, page 93 :

"Taking the sum total of women's work, they appear to do more work than most men, for they have to act as the servant, bearer and provider to the men and so in various ways work a greater number of hours in a day."

This is another reason why the employer prefers women's work. Then, Sir, I have also explained why some of the workmen want their women to go to work. Some of these workmen, as I stated, get into the habit of drink and they compel their womenfolk to go underground. Womenfolk in a large number of such cases are not willing to go underground. Sir, I have explained so far why the employment of women underground is not desirable. I have also placed before the Assembly the reasons which the employers use when they support employment of women and I have shown very clearly how those arguments do not hold water, and they ought not to be entertained by this Assembly. Sir, I would also like at this stage very briefly to point out a few more deficiencies and omissions of this Bill. The second one to which I would like to refer is that although Government have placed a limit upon the number of hours to be worked in a week, they have not placed any limit upon the number of hours of work to be done in a day. Sir, they have done this in their Factory Act, but I do not know why Government should not place this limit also in the new Mining Bill. Government not only does not place any limit upon the hours of work for the adult males, but does not even put any limit upon the hours of work for children and women in a day. No doubt they prevent the employment of children under 13 but what about children over 13? Is the Government of India prepared to say that a child of 13 is as good a worker and as strong a worker as an adult male? In Factories, Government has placed a lower limit on the total number of hours of work to be done by children between the ages of 12 and 15, but in the case of mines where the work is harder, Government allows a child of 13 to work as long as the child wants to do or the parent or the father of the child wants to make him do it. There is no limit, and, Sir, you will find some statements authoritatively made that at least some people in some mines in India work for all the 24 hours of the day. Sir, I do not wish to allow this statement to go unsupported. I would therefore quote my authority, and that is the report of the Coal Fields Committee, 1920, page 30.

In several parts of the Ranigunj coalfield " the miners come from distances up to 8 miles and remain at the colliery for 24 hours

working at intervals during that time.” (*A Voice*: ‘At intervals.’) Yes, at intervals, but no body will deny that the miner lives on the mine for 24 hours. Sir, facts are not wanting to show that they remain there even longer than 24 hours. (*A Voice*: ‘Per day?’) Yes, for two or three days together in a week. I therefore hope that when the Joint Committee consider this Bill they will not fail to put some limit upon the daily hours of work to be done in the mines; at least let them be pleased to put a limit in the case of young persons and women. I hope there will not be a single Member of this Assembly who will not support Government, if Government comes forward with that proposal.

Sir, there are many other deficiencies in this Bill. In the English Bill they have made provision that if there are any disputes between the mine-owners and the employees about wages and other conditions of work, the matter should be decided by pit Committees, District Committees, etc. I do not want to spend much time in discussing this matter. Sir, I do not wish to close this part of my speech without referring to the greatest need of the miners at present, namely their education. Sir, only this morning while reading the report of a Committee on mining, I read that a witness, a manager of a mine, before that Committee stated that if miners were educated, they would not work in the mines, but they would like to become clerks. I do not know whether this motive actuates the Government of India and the Governments of Bengal and Bihar and Orissa. But the fact is that there is not sufficient provision for the education of the children of the miners, and I draw the attention of the Government of India to this fact.

Then, Sir, I cannot close my speech without expressing surprise as to why the Government of India should take this halting and hesitating attitude as regards mining legislation. I have made it clear in the beginning of my speech that there were no doubt some difficulties in the way of Government in getting legislation passed in their Councils against the solid opposition of the capitalists, who alone were represented in the Legislative Councils of those days. But things have now changed. In this Assembly, I am quite sure there are several Honourable Members who will support Government in their endeavour to better the conditions of work for the working classes in this country. (Hear, hear.) Sir, only a few days back, a number of Members of this Assembly had an opportunity of studying the conditions of work under which Indian emigrants have to work in the colonies, and after having seen the spirit of the Members for reformation and improvement in their conditions of work, I feel quite sure that in this Assembly there will be a very substantial support to the Government of India, if they bring forward a much bolder measure than they have brought forward on this occasion. Sir, the Members of this Assembly should consider very calmly one point, especially those Members of this Assembly who are Members of the Standing Committee on Emigration. Let them consider why people from India should emigrate to the colonies, if the conditions of work in India were good. I remember to have read in one of these reports that the

employers and the mine-owners in India wanted a prohibition to be placed upon the emigration of labour from the districts surrounding the coalfields. Sir, why should the working classes from Bihar and Orissa districts emigrate to Assam and also to distant colonies, if the conditions of work on the coalfields in Bihar and Orissa were good? Sir, this is a point which deserves our serious consideration. I do not wish to take up the time of the House any longer. I thank the Government of India for bringing forward this measure, but I hope they will not stop their endeavour to do good to the working classes of this country here, but in the Joint Committee they will show a very generous spirit and accept amendments which will go to improve this measure.

**Mr. B. Venkatapatiraju** (*Ganjam cum Vizagapatam: Non-Muhammadan Rural*): Sir, the Honourable champion of labour has now pointed out certain defects in the Bill, but I would like to draw the attention of this House particularly to the way these Bills are now being referred to Joint Committees. It is certainly an honour to the Members of the Assembly to associate with the Honourable Members of the Upper House, but I do not understand why we should give up our responsibility and accept this divided responsibility. There is a provision, of course, under the rules by which it can be referred to a Joint Committee, but I think it is an extraordinary step only to be taken in non-contentious subjects where it would be easy to dispose of in shorter time. But in such difficult matters where a humanitarian spirit on the one hand and a commercial spirit on the other clash, is it not necessary that this Assembly should shoulder the whole responsibility in the matter? Why should we say that we want the help of the other House in the initial stage? No doubt they are eminent men, but we naturally accept that the originating Chamber must do all the spade work; but I do not understand why matters are always being referred to a Joint Committee. At the same time I have to offer a few observations in regard to the employment of women. You find these same labourers when they go abroad, and work in places where they get decent wages, are not obliged to have their women work at all. Go to Colombo and you will find no women working, but the same labour, both men and women, are to be found in the fields, because wages are low, 7, 8 and 9 annas. In several colonies women are not working at all. The reason why women work is in order to supplement the wages of their husbands. Provide decent wages and when you have decent wages, there is no necessity for women to work.

Then they say that children under 13 should not go underground. May I respectfully ask what would become of these young children when their mothers have to work underground. Now we know of cases where old women are employed as nurses over 20 or 30 children, and the immediate consequence is an increase in infantile mortality. How can we expect a woman to look after the interests of a number of children? Moreover, it is admitted that women should not work at night. What difference does it make when they go some hundreds of feet underground; does it make any difference

whether it is day or night? I do not think that the Government of India would prevent women working overground, if women are willing to work overground.

I propose to add a few observations with regard to the children, and I do not know whether the Government made any proposal for the education of the children. Of course they may cite the cases in other countries, but in western countries the State provides compulsory education for children, whereas in India there is no such thing. Either the State should come forward or the employers must be compelled to share in the cost of education. The Honourable Member in charge warned us that most of the people working in these mines are not of an advanced section, but are Santhals or hill men. What he means is that they belong to some of the depressed classes, therefore we should not encourage them by our visionary notions. I think the very observation of the Honourable Member should be sufficient cause for us to protect their interests, but anyhow I may assure the House, though some of us may think that the workmen have not got sufficient intelligence, that they have got sufficient common-sense. Government should not be satisfied with consulting labour organisations only, as we have very few of them in India, but they should consult the workmen themselves, in order to arrive at their grievances. They should inquire under what circumstances they work in the coal mines. The Honourable Member also made us understand that it is a key industry, and therefore we ought not to put any obstacles in the way of its expansion. It is a necessary industry no doubt, and as we are told in India, we have sufficient coal, more than what we can possibly expect in other countries, and that though the quality may not be so good, we have sufficient quantity to enable us to run our industry in this country. We know also that business men do not work on philanthropic lines, but that is no reason to work an industry to the detriment of our fellow men. Is it not the duty of Government as well as that of the Members to see that the persons who are working in these mines get decent wages and work a reasonable time? At any rate let them get a living wage, so that by the earnings of the husband the wife and children might live, instead of necessitating the wife's working to supplement the husband's wages. These persons who come out of

12 NOON.

the coal mines are completely covered with coal dust. I do not know what sort of bathing facilities are provided. Perhaps under the heading of Sanitation some rules might be framed. These are matters into which the Government and the Committee should look into, and I hope, when the Bill emerges from the Select Committee, all these defects will be remedied and it will be brought into line with the way these things are worked in western countries.

**The Honourable Mr. C. A. Innes:** Sir, I do not propose to follow all the points that have been raised in the speeches of the Honourable Mr. Joshi and the Honourable Mr. Raju, but I should like to make a few remarks of general application with reference to the

general tenor of Mr. Joshi's speech, namely, that this Bill is a halting and a hesitating measure. Before I deal with Mr. Joshi's speech, I venture to hazard the statement—Mr. Joshi will no doubt correct me if I am wrong—that he has not studied this problem of mining labour in the most important mining area in India, namely, the coal-fields of Bengal and Bihar and Orissa. I venture also to suggest that Mr. Raju has never studied this problem in the coal-fields. Now, Sir, we, on the Government Benches, have the advantage both of Mr. Joshi and of Mr. Raju in this matter. To begin with, in the drafting of this Bill, we had throughout the advice of the Chief Inspector of Mines, probably the greatest expert in mining in India at the present time, and an officer who lives and has his being and has spent all his life in India in the coal-fields. Secondly, Sir, my friend, Mr. Chatterjee, has been down not one but a dozen mines, and I venture to say that there is nobody in this House who is a more profound student of labour legislation or more in sympathy with reasonable measures of reform. Finally, Sir, I myself flatly declined to introduce this Bill till I had been to the coal-fields, till I had been down a mine, till I had seen conditions for myself and till I had discussed the provisions of this Bill with some of the leading mine managers in the coal-fields. It all comes back to this, as I said in my opening speech, that in this problem we have to hold the balance between what we should like to do and what we think we can safely do. Mr. Joshi naturally stresses the former aspect. Mr. Joshi, of course, represents labour in this House, and, if I may say so, he represents it with great force, vigour and earnestness. (Hear, hear.) But he emphasises the labour aspect only; he does not take into account other considerations. Now, for us, on the Government Benches, the outlook is not so simple. We naturally try to take into account as much as we can the labour interest, but we have to look at the problem as a whole. We have to take into account all relevant considerations. It must be remembered that, if by premature legislative changes, we dislocate a key industry, it is the Government of India and this Assembly, mark you, that will take the responsibility; it will not be my friend, Mr. Joshi; and that simple fact accounts possibly for our difference in outlook.

Now, Mr. Joshi's main points are that in the Bill we have not provided for any daily limit of hours for adult labourers; that we have not introduced any half-time system for children between the ages of 12 and 15, and that we have not prohibited the employment of women. He bases his argument very largely upon the analogy of the Factory Act. I deny that that analogy is a valid one. The conditions of labour in mines and the conditions of labour in factories are totally different problems, and the mining problem is in many ways, at any rate in India, a much more difficult problem than the factory problem. It must be obvious that there is one main difference between a factory and a mine. The factory is a small self-contained unit within a ring fence; the mine very often covers hundreds of acres of underground workings. In the same mine different seams of coal are very often worked,

and, therefore the mine may be worked simultaneously in different stages.

Then, again, I do not know whether any Member of this House or many Members of this House have been down a coal mine. Therefore, I make no apology for giving some description of the method of work. Coal mines in India are usually worked by the Bord and Pillar method. That means that galleries are driven into the coal, and that great rectangular pillars are left to support the overburden. In time the mine becomes a regular honeycomb of workings and you may have work going in different galleries, in different parts and at different levels in the same mine. Then, again, entrances to these mines are not only provided by shafts down which the miners can go in cages, but very often entrances are provided by inclines down which the miners can walk at their own sweet will and at their own times. The House will at once see that in conditions like these supervision by mine managers is difficult, surprise inspections by our Inspectors are almost impossible, and it is out of these conditions that the system (or the want of system) of working mines has grown up. A further contributory cause is the character of the miners themselves. They frequently come in long distances from surrounding villages, they are primarily agriculturists; with them mining is only a secondary occupation; they do not depend upon it, and they are very independent. Thus, the system has grown up of working by piece-work, and the miners very often do not work directly under managers but they work under raising contractors. They go down with their wives and their families. The men cut the coal, the women load it into tubs, and, when the men have cut enough coal for their immediate earnings, they leave the mine. They go down when they like and they leave when they like. I am perfectly prepared to admit that it is a bad system. Every mine manager in the coal-fields will tell you that the one thing they want in the mines is shifts, and, if anybody in this House can devise a system by which we can induce these miners to work, say, six days a week and eight hours a day, every mine manager in India will rise up and call him blessed. If we could only get a system of shifts we should be on the way to solve many of the difficulties to which Mr. Joshi has drawn attention; we should be on the way to solve the question of fixing a daily limit of hours; we should be on the way to solve the question of a half-time system for young persons.

Sir, this question of shifts has been inquired into more than once. I should like to correct Mr. Joshi on this point. We were not moved to inquire into this question of labour in the mines by the Washington Conference of 1919. On the contrary, before that Conference ever sat, we had imported from home a mining expert, who was directed to inquire, among other things, into this very question of labour. What this mining expert said was :

"It is most important for the proper and economical working of the coal-fields that regular shifts should be adopted. Under present conditions this is impossible and it is very difficult to find efficient remedies. Whatever reforms may take place, they should be very gradual and only put in effect after full and serious consideration."

That was the report of the expert in 1919. That "full and serious consideration" has been given to the problem. On receipt of the report we appointed a Coal-fields Committee which sat in 1920. Some of the evidence taken by that Committee is extremely illuminating on this subject. Here is the evidence of one mine manager :

"The adoption of shifts would make for efficiency and provide better for control and discipline ; but the human element here presents itself for consideration. If legislation be adopted, you introduce compulsion."

"We know that the miner is an agriculturist first and a miner second. He has often to walk long distances to his work. You cannot compel him to be a miner. Anything in the nature of compulsion might be disastrous to recruiting. Many now following the avocation would merely remain until they had made other provision."

This Committee decided that it would be quite impossible to fix any daily limit of hours. They thought that in certain circumstances shifts might be introduced ; but their final conclusion was that they could not recommend the compulsory and forced introduction of shifts by legislation. They said it was premature. Now, Sir, what is the position of the Government of India in this matter ? On the one hand, we have an expert committee composed of people who know what they are talking about, composed of people who made special inquiries in the coal-fields ; and they tell us that legislation in this matter, legislation to enforce a system of shifts—which, mind you, is not asked for by labour itself—is premature and might dislocate the industry. On the other hand, we have Mr. Joshi. Mr. Joshi is speaking merely on the theoretical aspect. Mr. Joshi has never been down a coal mine. Mr. Joshi has never studied the problem on the spot. I think the House will agree with me that we have no option in this matter but to be guided by the advice of our expert Committee.

Then, Sir, let me take this question of the employment of women. I myself frankly admit that I would much prefer that women should not be employed down the mines. Not that I regard the occupation as particularly hazardous, nor that I regard the occupation as particularly unhealthy. But I agree myself on general principles that it is undesirable that women should be employed down mines. But we have to look at facts as they are. And what are the facts ? I have already explained that the system of work in mines is a family system. A man goes down there with his wife. The wife carries the coal which the man cuts. We have in these coal-fields an average labour force of 170,000 persons. Of that labour force, one-third are women, that is to say, we have got fifty thousand odd women working in these mines at the present time. Now is there anyone in the House who is going seriously to say that by drastic legislation passed here and now we should prohibit at once the employment of those 50,000 women in the mines ? What would be the effect upon India ? And what would be the effect upon India's industries ? Mr. Raju said that India produces enough coal for its own consumption. He led the House to believe that we did not prohibit the employment of women because we were

anxious to put nothing in the way of the expansion of the coal industry. Mr. Raju was entirely wrong. India does not produce enough coal for its own consumption at the present time ; otherwise we should not have imported during last year one million tons. The coal problem is an extraordinarily difficult problem and an extraordinarily serious problem. We produce about 18 million tons in these two coal-fields, and those 18 million tons are barely if at all sufficient for India's industries. Is anyone in this House going to say that we should at once cut off the employment of women and thereby reduce our production of coal by one-third, by six million tons per annum ? Surely it is not practical politics. Moreover, the effect might be worse, because if we prohibit the employment of women, it is very probable that many men now employed in the mines would not go down the mines. They would not leave their wives up above. We have taken the first step. We have tentatively proposed that children up to the age of 13 should not be allowed in a mine at all. The effect of that may be to reduce the employment of women in the mines, for women who are mothers very probably will not go down the mines at all if they cannot take their young children with them. That is the first step, and a time may come when Local Governments may think it possible to utilise the powers which they have under clause 30 (d) of this Bill to prohibit the employment of women in mines altogether. But that time has not come yet. There are, however, signs of hope. As mechanical coal-cutters come more and more into use in the coal-fields, the effect will be to eliminate or reduce the human factor. Collieries will become less and less dependent on a precarious labour supply. And if that process goes on, as I hope it will go on, then it may not be so very long before we may feel justified in introducing a reform which *per se* I admit to be very desirable.

I do not think I need say any more, Sir. I think I have dealt with Mr. Joshi's main points. They will no doubt be fully considered by the Joint Committee ; but after what Mr. Joshi had said, I felt it incumbent upon me to explain why Government have not felt justified in going further than we have gone in this Bill. I want the House to realise that the problem is a very difficult one, and that if we take too hasty, too premature and too drastic steps, we may dislocate an industry upon which all the other industries of India depend.

The motion was adopted.

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## GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Report of the Joint Committee on the Bill to amend and consolidate the law relating to the regulation and



inspection of mines was presented to the Legislative Assembly on the 16th January 1923 :—

We, the undersigned, Members of the Joint Select Committee to which the Bill to amend and consolidate the law relating to the regulation and inspection of mines was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

The Committee elected the Honourable Mr. Innes as Chairman. Sixteen members out of a total of eighteen attended the meetings of the Committee.

Before proceeding to the detailed examination of the Bill clause by clause, the Committee considered what appeared to us to be the three most important points which arise in connection with the Bill. These are the definitions of "mine" and "child", and the question of the employment and presence of women and children in mines. We accordingly deal with these matters first in our report.

*Clause 3 (f).—*The definition of a "mine" has caused considerable difficulty. Section 3 (d) of the existing Act has proved unsatisfactory. In the first place, it is difficult to interpret. It merely states what a mine includes, not what it is, while at the same time specifically excludes excavations the depth of which does not exceed 20 feet and no part of which extends beneath the superjacent ground. This exclusion has led to many difficulties; for instance, an excavation might be a mine for one part of the year, and cease to be a mine at other times; while in places where excavations are on sloping ground, considerable argument has arisen as to how depth should be measured. In the second place, a more serious objection to the existing definition is that it excludes excavations which ought properly to be controlled under the Act. For instance, a mica mine which may be less than 20 feet in depth and no part of which may extend beneath the superjacent ground, may be in point of practice highly dangerous.

It is for these reasons that in the Bill as referred to us a much wider definition of a mine has been attempted, and the exclusion of excavations of less than a certain depth has been deleted. Certain Local Governments have raised objections on the ground that the definition now proposed is too wide. It is urged that it brings within the scope of the Act surface excavations to which it is both unnecessary and impracticable to apply the Act. It will embrace, for instance, small quarries and excavations less than 20 feet in depth for the extraction of boulder manganese, slate, limestone or clay, the control of which is not merely unnecessary but would prejudice the interests of the industry, and would, if it is to be at all effective, involve the appointment of an unnecessarily expensive staff. While we fully realize the force of these objections and agree that excavations of this nature should not be covered by the Act, we think it impossible to devise a satisfactory definition, which will

exclude all the classes of excavations which ought to be excluded, without, at the same time, excluding others which ought not. And we cannot therefore agree to retain the section in the existing law which confers statutory and wholesale exemption on all excavations which do not exceed a depth of 20 feet and no part of which extends beneath the superjacent ground. We think it will be better to retain the wider definition contained in the first part of the clause of Bill as referred to us, and leave it to the Governor-General in Council under clause 46 to exempt particular mines or classes of mines from all or such provisions of the Act as cannot suitably be applied to them. At the same time, for the sake of simplicity of definition and in pursuance of the principle that more complex exemptions should preferably be made by rule, we have deleted the second and third provisos to the definition. Incidentally we may add that the second proviso appears to be unnecessary, while, as pointed out by the Government of Burma, the third would exempt certain excavations made for prospecting purposes only, which it is desirable to include.

We recognize that our proposal is open to the criticism that it leaves a wide discretion to the executive authorities to decide what minor excavation should or should not be brought within the scope of the Act. We are, however, convinced that in view of the widely varying conditions under which mining operations are conducted in different parts of this country, it is better to permit this elasticity than to frame a more rigid definition which would certainly have the effect of excluding certain operations which ought properly to be brought under control.

*Employment of women.*—The present law regarding the employment of women is contained in section 20 (2) (I) of Act VIII of 1901. This is a provision which enables rules to be made prohibiting, restricting or regulating the employment of women either below ground or on particular kinds of labour where the employment is attended by danger. The rule-making power vests in the Governor-General in Council or the Local Government. The Bill referred to us in clause 30 (d) enables a Local Government, subject to control, to make rules prohibiting, restricting or regulating the presence or employment in mines of women, either above or below ground or on particular kinds of labour. It is we think generally realized that the absolute prohibition of the employment of women below ground in coal mines is a mere matter of time. It cannot be introduced at once because time must be given to employers to replace the labour of the 90,000 women who are at present working in mines. Some of us pressed for the inclusion of a statutory prohibition in the Bill with a provision that it should not come into force for five years after the passing of the Bill. We think, however, that this would involve such a radical alteration in the Bill that re-circulation would be essential, and as we are reluctant to delay its passage, we think it desirable to attempt to effect a compromise. We have, in the first place, transferred the provision relating to the employment of women from clause 30 to clause 29 of the Bill, so that the power of control may vest in the Governor-General in Council. We have

further re-drafted the provision so as to follow more closely the wording of the present law. We desire, however, to place on record a recommendation that the question of the employment of women below ground in mines should be taken up at a very early date with Local Governments with a view to prohibiting such employment either in all mines or in particular classes of mines at the end of a specified period, which we think should be about five years.

*Children.*—With one dissentient, we were of opinion that the maximum age of a child laid down in the present Act should be raised. The necessity for this arises from the fact that it is at present impossible to adopt a half-time system in mines. Some of us would have raised the age to 14 and one member was in favour of raising it to 15, but by a considerable majority we decided to maintain the age of 13 laid down in the Bill.

By a majority also, we have decided to maintain the absolute prohibition laid down in clause 26 of the employment of children in mines, though some of us were inclined to allow the employment of children above ground. On the understanding that the Bill when passed should not be brought into operation earlier than the 1st of July, 1924, we unanimously agreed to maintain the second part of clause 26, which prohibits the presence of children in any part of a mine below ground. Our colleague Mr. Sircar would like the operation of this clause to be postponed still further.

We now proceed to explain the important changes which we have made in the Bill.

*Clause 1 (3).*—We think that definite notice should be given in the law of the date on which it is to come into force, and we think this date should be the first day of July, 1924.

*Clause 5.*—We do not think it necessary to lay down in the Bill that the powers of the Chief Inspector under this clause should be subject to regulations.

*Clause 11 (5).*—In view of the changes which we have proposed in clause 19, we think that the power to lodge objections against the decision of a Committee should rest with the Chief Inspector only.

*Clause 16.*—The proviso and sub-clause which we have here added are based on the English law on the subject. We discussed at some length the relative merits of our existing law and of the English law, and by a majority of one only decided in favour of something on the lines of the latter.

*Clause 19.*—We think that only an inspector who has been authorised by the Chief Inspector should be empowered to issue orders under sub-clause (2). We further think that the machinery which the clause provides for the asking and decision of objections is unnecessarily cumbrous, and we see no reason why objections

should not be made direct to the Local Government for reference to a Committee. We have laid down that where an Inspector makes an order under sub-clause (2), there is to be an appeal within ten days to the Chief Inspector, and that objections may be made to the Local Government against a requisition under sub-clause (1), or an order under sub-clause (2), or an appellate order of the Chief Inspector under the new sub-clause which we have inserted as sub-clause (3). We have made a consequential amendment in clause 11 (4).

*Clause 20.*—We have given effect to the suggestion that this clause should be elaborated to make notice necessary of outbreaks of fire or irruptions of water. We have made consequential amendments in clauses 21 and 38.

*Clause 27.*—In view of the definition of “qualified medical practitioner”, we do not think it necessary to retain the words “specially authorized by the Local Government in this behalf”.

*Clauses 29 and 30.*—Apart from the change we have made with regard to the control of the employment of women, the alterations we have made in these clauses are more or less formal.

*Clause 31.*—We have provided that regulations as well as rules shall be referred to the Mining Boards before they are published for criticism.

*Clause 32.*—In this clause we have restored the period of two months prescribed in the present law within which drafts of bye-laws are to be submitted to the Chief Inspector. We have also restored the provision which appears in the present law which enables the Local Government to rescind bye-laws which have already been approved by it.

*Clause 34.*—The punishment provided in this clause, though suitable for the offences of obstruction which are enumerated in the first part of the clause, seems to be unnecessarily severe for the offences defined in the latter part of the clause. We have therefore divided the clause into two parts and provided separate penalties.

*Clause 41.*—We think that the power to institute prosecutions should vest only in selected Inspectors.

*Clause 42.*—We have restored the form of the section in the present Act.

*Clause 43.*—We do not think it desirable that Sub-Divisional Magistrates of the second class should be empowered to try offences under the Act.

*Clause 44.*—We have added a sub-clause to make it clear what are the powers of the Local Government when a report is made to it under this clause.

The other amendments which we have made in the Bill and which have not been specifically referred to in this report are, we think, of minor importance.

2. The Bill was published in the *Gazette of India*, dated the 16th September 1922.

C. A. INNES.  
CHANDRADHAR BARNA.  
G. S. KHAPARDE.  
M. B. DADABHOY.  
TEK CHAND.  
A. C. CHATTERJEE.  
N. M. SAMARTH.  
N. C. SIRCAR.\*  
N. M. JOSHI.\*  
V. G. KALE.  
P. P. GINWALA.  
ALEX R. MURRAY.  
H. MONCRIEFF SMITH.

Delhi, the 13th January 1923.

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*Note of Dissent.*

I have signed the report subject to the following proviso :—

*Clause 26.—Employment of children*—A period of grace of at least two years after introduction of the Bill be given to restrict employment of children, and that the restriction should be only in respect of below-ground.

N. C. SIRCAR.

Dated the 13th January 1923.

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*Minute of Dissent.*

Signed reserving my right of dissent regarding clauses 10 (c) and 11 (c) which provide for the representation of employees on the Mining Board and the Committees and regarding clause 23 which fails to fix any time limit for the day's work and does not provide a rest period during the day's work.

N. M. JOSHI.

Dated the 13th January 1923.

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\* Subject to a note of dissent.

(Words printed in *italics* indicate the amendments suggested by the Committee.)

## A Bill to amend and consolidate the law relating to the regulation and inspection of mines.

WHEREAS it is expedient to amend and consolidate the law relating to the regulation and inspection of mines; it is hereby enacted as follows :—

### CHAPTER I.

#### PRELIMINARY.

Short title, extent and commencement. 1. (1) This Act may be called the Indian Mines Act, 192 .

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on *the first day of July 1924*.

XII of 1887. Saving of Reg. XII, of 1887. 2. Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,—

(a) “agent” when used in relation to a mine, means any person appointed or acting as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act ;

(b) “Chief Inspector” means the Chief Inspector of Mines appointed under this Act ;

(c) “child” means a person under the age of thirteen years ;

(d) a person is said to be “employed” in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with mining operations ;

(e) “Inspector” means an Inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform ;

(f) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine ; provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals ;

(g) “owner” when used in relation to a mine means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who

merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(h) "prescribed" means prescribed by regulations, rules or bye-laws;

(i) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes in any area where no such last-mentioned Act is in force, any person declared by the Local Government, by notification in the local official gazette, to be a qualified medical practitioner for the purposes of this Act;

(j) "regulations," "rules" and "bye-laws" mean, respectively, regulations, rules and bye-laws made under this Act.

(k) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days; and

(l) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

## CHAPTER II.

### INSPECTORS.

4. (1) The Governor General in Council may, by notification in the *Gazette of India*, appoint a duly qualified Chief Inspector and person to be Chief Inspector of Mines for the whole of British India, and duly qualified persons to be Inspectors of Mines subordinate to the Chief Inspector.

(2) No person shall be appointed to be Chief Inspector or an Inspector, or, having been appointed shall continue to hold such office who is or becomes directly or indirectly interested in any mine or mining rights in India.

(3) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the Local Government:

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32

(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

5. (1) The Chief Inspector may, by order in writing, prohibit Functions of Inspectors. or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors, by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.

(2) The Inspector shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under sub-section (1) as to all regulations and rules which concern them, respectively, and as to the places where copies of such regulations and rules may be obtained.

Powers of Inspectors  
of Mines.

6. The Chief Inspector and any Inspector may—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine ;

(b) with such assistants (if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine ;

(c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

7. Any person in the service of the Government duly authorised Powers of special officer to enter, measure, etc. by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

8. Every owner, agent and manager of a mine shall afford the Facilities to be afforded to Inspectors. Chief Inspector and every Inspector and every person authorised under section 7 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

9. (1) All copies of and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or any one assisting him, in the Secrecy of information obtained. course of the inspection of any mine under this Act or acquired by any person authorised under section 7 in the exercise of his duties thereunder, shall be regarded as confidential.



(2) If the Chief Inspector or an Inspector or any other person referred to in sub-section (1) discloses to any one, other than a Magistrate or other officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor General in Council or of the Local Government, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1859.

(3) No Court shall proceed to the trial of any offence under this section except on complaint made by order of, or under authority from, the Governor General in Council or the Local Government, or made by a person aggrieved by the offence.

### CHAPTER III.

#### MINING BOARDS AND COMMITTEES.

10. (1) The Local Government may constitute for the province, or for any part of the province, or for any group or class of mines in the province, a Mining Board consisting of:—

(a) a person in the service of the Government, not being the Chief Inspector or an Inspector, nominated by the Local Government to act as chairman;

(b) the Chief Inspector or an Inspector;

(c) two persons, neither of whom shall be the Chief Inspector or an Inspector nominated by the Local Government, of whom one shall be a person qualified to represent the interests of persons employed in mines;

(d) two persons nominated by owners of mines or their representatives in such manner as may be prescribed.

(2) The chairman shall appoint a person to act as secretary to the Board.

(3) The Local Government may give directions as to the payment of travelling expenses incurred by the Secretary or any member of any such Mining Board in the performance of his duty as such secretary or member.

11. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of:—

(a) a chairman nominated by the Local Government or by such officer or authority as the Local Government may authorise in this behalf;

(b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee; and

(c) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Local Government to represent the interests of the persons employed in the mine.

(2) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a committee appointed under this section.

(3) Where an owner, agent or manager fails to exercise his power of nomination under clause (c) of sub-section (1), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.

(4) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent, or manager of the mine, and shall report its decision to the Local Government.

(5) On receiving such report the Local Government shall pass orders in conformity therewith unless the Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the Local Government may proceed to review such decision and to pass such orders in the matter as it may think fit. If an objection is lodged by the Chief Inspector, notice of the same shall forthwith be given to the owner, agent or manager of the mine.

(6) The Local Government may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to the payment of the expenses of the inquiry, including such remuneration.

12. (1) Any Mining Board constituted under section 10 and any Committee constituted under section 11 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.

Powers of Mining Boards and Committees.

(2) Every Mining Board constituted under section 10 and every Committee appointed under section 11 shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

13. The Local Government may direct that the expenses of any inquiry conducted by a Mining Board constituted under section 10 or by a Committee appointed under section 11 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the

Recovery of expenses.

time being resident, be recovered by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager.

## CHAPTER IV.

### MINING OPERATIONS AND MANAGEMENT OF MINES.

14. The owner, agent or manager of a mine shall, in the case of an existing mine, within one month from the commencement of this Act, or, in the case of a new mine, within three months after the commencement of mining operations, give to the District Magistrate of the district in which the mine is situated notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

15. (1) Save as may be otherwise prescribed every mine shall be under one manager, who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager.

(2) If any mine is worked without there being a manager for the mine as required by sub-section (1), the owner and agent shall each be deemed to have contravened the provisions of this section.

16. (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(2) In the event of any contravention of any such provisions by any person whosoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention :

*Provided that the owner or agent shall not be so deemed if he proves—*

(a) *that he was not in the habit of taking and did not in respect of the matter in question take, any part in the management of the mine ; and*

(b) *that he had made all the financial and other provisions necessary to enable the manager to carry out his duties ; and*

(c) *that the offence was committed without his knowledge, consent or connivance.*

(3) *Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of the mine has been appointed in accordance with the provisions of this Act.*

## CHAPTER V.

## PROVISIONS AS TO HEALTH AND SAFETY.

17. There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supply of water fit for drinking as may be prescribed.

18. At every mine in respect of which the Local Government may, by notification in the local official Gazette, declare this section to apply, such supply of ambulances or stretchers, and of splints, bandages and other medical requirements, as may be prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.

19. (1) If, in any respect which is not provided against by any express provisions of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.

(2) If the Chief Inspector or an Inspector authorised in this behalf by general or special order in writing, by the Chief Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(3) Where an order has been made under sub-section (2) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order.

(4) The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (2), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (3), shall forthwith report the same to the Local Government and shall inform the owner, agent or manager of the mine that such report has been so made.

(5) If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made by the

*Chief Inspector* under sub-section (2) or sub-section (3), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision of the appeal, as the case may be, send his objection in writing, stating the grounds thereof, to the *Local Government*, which shall refer the same to a *Committee*.

(6) Every requisition made under sub-section (1), or order made under sub-section (2) or sub-section (3), to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the *Committee*:

Provided that the *Committee* may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection.

(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898.

20. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall give such notice of the occurrence to such authorities, and in such form, and within such time, as may be prescribed.

21. (1) When any accidental explosion, ignition, outbreak of fire or irruption of water or other accident has occurred in or about any mine, the *Local Government*, if it is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person appointed to hold any such inquiry shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the *Local Government* stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

22. The *Local Government* may cause any report submitted by a *Committee* under section 11 or by a court of inquiry under section 21 to be published at such time and in such manner as it may think fit.

## CHAPTER VI

## HOURS AND LIMITATION OF EMPLOYMENT.

Hours of employment.      **23.** No person shall be employed in a mine—

(a) on more than six days in any one week,

(b) if he works above ground, for more than sixty hours in any one week,

(c) if he works below ground, for more than fifty-four hours in any one week.

**24.** Nothing in section 23 shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity.

**25.** In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, the manager may, subject to the provisions of section 19, permit persons to be employed in contravention of section 23 on such work as may be necessary to protect the safety of the mine or of the persons employed therein:

Exemption from provisions regarding employment.

Provided that, where such occasion arises, a record of the fact shall immediately be made by the manager and shall be placed before the Chief Inspector or the Inspector at his next inspection of the mine.

**26.** No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

Children.

**27.** (1) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child, the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.

Disputes as to age.

(2) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (1) shall, for the purposes of this Act, be conclusive evidence as to the age of the person to whom it relates.

**28.** For every mine there shall be kept in the prescribed form and place a register of all persons, employed in the mine, of their hours of work, of their days of rest, and of the nature of their respective employments.

Register of employees.

## CHAPTER VII.

## REGULATION, RULES AND BYE-LAWS.

29. The Governor-General in Council may, by notification in the Gazette of India, make regulations consistent with this Act for all or any of the following purposes, namely:—

(a) for prescribing the qualifications to be acquired by a person for appointment as Chief Inspector or Inspector;

(b) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act;

(c) for prescribing the duties of owners, agents and managers of mines and of persons acting under them;

(d) for prescribing the qualifications of managers of mines and of persons acting under them;

(e) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of managers of mines and persons acting under them, and the granting and renewal of certificates of competency;

(f) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates;

(g) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications;

(h) for providing for the making of inquiries into charges of misconduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency;

(i) for regulating, subject to the provisions of the Indian Explosives Act, 1884, and of any rules made thereunder the storage and use of the explosives;

(j) for prohibiting, restricting or regulating the employment in mines or in any class of mines of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women;

(k) for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, pathways and subsidences;

(l) for providing for the safety of the roads and working places in mines, including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine;

(m) for providing for the ventilation of mines and the action to be taken in respect of dust and noxious gases;

(n) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes ;

(o) for requiring and regulating the use of safety lamps in mines ;

(p) for providing against *dangers arising out of* the accumulation of water in mines ;

(q) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employ-d and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted ;

(r) for prescribing the plans to be kept by owners, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record ;

(s) for regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines ;

(t) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 14 ; and

(u) for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 18 0, or of any public work or classes of public works which the Local Government may, by general or special order, specify in this behalf.

**30.** The Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, make rules consistent with this Act for all or any of the following purposes, namely :—

Power of Local Government to make rules.

(a) for providing for the appointment of chairman and members of Mining Boards, and for regulating the procedure of such Boards ;

(b) for providing for the appointment of courts of inquiry under section 21, for regulating the procedure and powers of such courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts from the manager, owner or agent of the mine concerned ;

(c) for prescribing the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking water, the supply and maintenance of medical appliances and comforts, the formation and training of men in ambulance work.



(d) for defining the persons who shall, for the purposes of section 24, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity ;

(e) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to be more than thirteen years of age, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked ;

(f) for prescribing the form of register required by section 28 ;

(g) for prescribing abstracts of this Act and the vernacular in which the abstracts and the regulations, rules and bye-laws shall be posted as required by sections 32 and 33 ;

(h) for requiring the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public ;

(i) for the protection from injury, *in respect of any mine when the workings are discontinued*, of property vested in His Majesty or any local authority or railway company as defined in the Indian Railways Act, 1890 ;

(j) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, and the particulars to be contained in them, and the times within which they are to be submitted ; and

(k) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

31. (1) The power to make regulations and rules conferred by sections 29 and 30 is subject to the condition of the regulations and rules being made after previous publication.

Prior publication of regulations and rules.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

(3) *Before the draft of any regulation or rule is published under this section it shall be referred in the case of a regulation to every Mining board constituted in British India, and in the case of a rule to every Mining Board constituted in the province ; and the regulation or rule shall not be so published until each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.*

(4) Regulations and rules shall be published in the Gazette of India and the local official Gazette, respectively, and, on such publication, shall have effect as if enacted in this Act.

32. (1) The owner, agent or manager of a mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(2) If any such owner, agent or manager—

(a) fails to submit within *two months* a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(b) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient, the Chief Inspector or Inspector may—

(i) propose a draft of such bye-laws as appear to him to be sufficient, or

(ii) propose such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient,

and shall send such draft bye-laws or draft amendments to the owner, agent or manager, as the case may be, for consideration.

(3) if within a period of two months from the date on which any draft bye-laws or draft amendments are sent to the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

(4) (a) When such draft bye-laws have been agreed to by the owner, agent or manager, and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the Mining Board or such officer or authority as aforesaid, a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the Local Government for approval.

(b) The Local Government may make such modifications of the draft bye-laws as it thinks fit.

(c) Before the Local Government approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the Local Government may think best adapted

for informing the persons affected, notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected, should be sent to the Local Government.

(d) Every objection shall be in writing and shall state—

(i) the specific grounds of objection and

(ii) the omissions, additions or modifications asked for.

(e) The Local Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected, and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as it thinks fit.

(5) The bye-laws, when so approved by the Local Government, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws in English and in such vernacular or vernaculars as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

(6) *The Local Government may, by order in writing, rescind, in whole or in part, any by-law so made, and thereupon such bye-law shall cease to have effect accordingly.*

33. There shall be kept posted up at or near every mine in English and in such vernacular or vernaculars as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.

Postings up of extracts from Act, regulations, etc.

## CHAPTER VIII.

### PENALTIES AND PROCEDURE.

34. (1) Whoever obstructs the Chief Inspector, an Inspector or any person authorised under section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Obstructions.

(2) *Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent, any*

person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to *three* hundred rupees.

Falsification of records,  
etc. **35. Whoever—**

(a) counterfeits, or knowingly makes a false statement in, any certificate, or any official copy of a certificate, granted under this Act, or

(b) knowingly uses as true any such counterfeit or false certificate, or

(c) makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or

(d) falsifies any plan or register or record the maintenance of which is required by or under this Act, or

(e) makes, gives or delivers any plans, return, *notice*, record or *report*, containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**36. Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to**  
Omission to furnish plans, etc. make or furnish in the prescribed form or manner or at or within the prescribed time, any plan, return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to two hundred rupees.

**37. Whoever, save as permitted by section 25, contravenes any**  
Contravention of provisions regarding employment of labour. provisions of this Act or of any regulation, rule or bye-law of any order made thereunder *prohibiting*, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with fine which may extend to five hundred rupees.

**38. Whoever, in contravention of the provisions of section 20,**  
Notice of accidents. fails to give notice of *any* accidental *occurrence* shall, if the *occurrence* results in serious bodily injury, be punishable with fine which may extend to five hundred rupees, or, if the *occurrence* results in loss of life, be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

**39. Whoever contravenes any provision of this Act or of any**  
Disobedience of orders. regulation, rule or bye-law or of any order made thereunder for the contravention of

which no penalty is hereinbefore provided, shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing *contravention*, with a further fine which may extend to one hundred rupees for every day *on which the offender* is proved to have persisted in the *contravention* after the *date of the first conviction*.

40. (1) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both; or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if such contravention otherwise causes injury or danger to workers or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

(2) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (1).

(3) Any Court imposing, or confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in the case of his death, to his legal representative:

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or if an appeal has been presented, before the decision of the appeal.

41. No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the District Magistrate or of an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector.

42. No Court shall take cognizance of any offence under this Act unless complaint thereof has been made within six months of the date on which the offence is alleged to have been committed.

43. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of mine or any offence which is by this Act made punishable with imprisonment.

44. (1) If the Court trying any case instituted at the instance of the Chief Inspector or of the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the Local Government may refer the case to a Mining Board or a Committee, or may direct the Court to proceed with the trial.

## CHAPTER IX.

### MISCELLANEOUS.

45. If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate signed by a Secretary to the Local Government shall be conclusive on the point.

46. (1) The Governor General in Council may, by notification in the *Gazette of India* exempt any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of this Act:

Provided that no local area or mine or group or class of mines shall be exempted from the provisions of section 26 unless it is also exempted from the operation of all the other provisions of this Act.

(2) On the occurrence of any public emergency, the Local Government may, by an order in writing, confer any exemption which might be conferred by the Governor General in Council under sub-section (1). When such an order is made, a copy thereof shall forthwith be sent to the Governor General in Council.

47. The Governor General in Council and every Local Government may reverse or modify any order passed under this Act by any authority subject to his or its control, as the case may be.

48. This Act shall apply to mines belonging to the Crown.

49. No suit, prosecution, or other legal proceedings whatever shall lie against any person, for anything which is in good faith done or intended to be done under this Act.

50. On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof

## THE SCHEDULE.

(See section 50.)

*Enactments Repealed.*

Year.	No.	Short title.	Extent of repeal.
1901	VIII	The Indian Mines Act, 1901.	The whole.
1914	IV	The Decentralisation Act, 1914.	So much of the Schedule as relates to the Indian Mines Act, 1901.
1914	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Mines Act, 1901.

H. MONCRIEFF SMITH,

Secretary to the Government of India.

*29th January 1923.*

## THE INDIAN MINES BILL.

The Honourable Mr. C. A. Innes (Commerce and Industries Member): I beg to move, Sir :

" That the Report of the Joint Committee on the Bill to amend and consolidate the law relating to the regulation and inspection of mines be taken into consideration."

Here again, Sir, the report of the Joint Committee has been in the hands of Honourable Members for several days and as notice has been given of a number of amendments, I think the best plan will be to get at once to those amendments, and therefore I do not propose to delay the House by making a speech on the motion that the Report be taken into consideration. I move, Sir, that the Bill be taken into consideration.

Mr. N. M. Joshi (Nominated : Labour Interests): While supporting this motion, Sir, I would like to make a few remarks on the principle of the Bill as it has emerged from the Joint Committee. The House will remember that when this Bill was last discussed in the Legislative Assembly, I laid special emphasis on the necessity of prohibiting the employment of women underground. I am glad that the Joint Select Committee has made some improvement in the Bill although I am not fully satisfied with what they have done. The Joint Committee has recommended that the power of prohibiting the employment of women under certain conditions should be transferred from the Local Government to the Government of India. So far as it goes, I think it is an improvement. The Joint Committee has also accepted the principle of the prohibition of employment of women underground and they have recommended to the Government of India to take up this question

with the Local Governments in order that the total prohibition of women on underground employment should be accomplished within five years' time. So far as this goes I think the Committee has also done a great service to the women workers in mines. But, Sir, I would like to make one or two remarks on this question. In the first place the Joint Select Committee came to the conclusion that if they had recommended the total prohibition of women or even prohibition of women after five years in the Bill it would have been necessary to recirculate the Bill. Sir, I differ from this view taken by the Committee. The Joint Committee knew very well that when the Bill was discussed last time I myself laid great emphasis on the point during the discussion that took place on the appointment of the Joint Committee. Therefore, the Local Governments as well as the mine owners had sufficient notice that this point might be raised in the future discussion on this Bill. If they, the Local Governments and the mine owners, did not give sufficient consideration to this point, it was their fault, and therefore I feel that the view taken by the Joint Committee on this question was not the correct one. Then, Sir, in the report of the Joint Committee I think the figure of women workers involved is somewhat exaggerated, or is put there by mistake. The Joint Committee says that the number of women workers involved by the change is 90,000. I think the number of women workers who work underground in Indian mines is about 50,000 and not 90,000.

**Sir Deva Prasad Sarvadnikary** (Calcutta: Non-Muhammadan Urban): 90,000 does not relate to those who work underground; it relates to the total number that are at present working in the mines.

**Mr. N. M. Joshi**: The question with which I am dealing now is the prohibition of the employment of women underground. Therefore I say that the number of women involved is not 90,000 but 50,000. Now, if we consider how plentiful cheap labour in India is, is it a very difficult problem for the mine owners as well as the Government to replace the labour of 50,000 women in India? We are now sending thousands and thousands of people from our country to outside countries because they do not find sufficiently remunerative labour in India.

**Rao Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): How are the women to live?

**Mr. N. M. Joshi**: How are the women to live? I see; the women ought to live on the wages of the men. Sir, that is a different point altogether. My point was that in India it is not difficult to replace the labour of 50,000 women at all. But, Sir, I do not propose to deal with this question any further. I feel that although the solution arrived at by the Joint Committee is not wholly satisfactory, it is a good working compromise; it is at least a step further and I am quite satisfied with that further step. The next question about which I should have liked the Joint Committee to have taken some further steps was to protect the young boys that will be employed in the mines, boys between the ages of say 13 and 16. In the English law there are provisions to protect such



young persons as well as women. Their employment is restricted; they are not, for instance, allowed to be employed in moving waggons. Again in the English law there is provision that young persons who are novices . . . . .

**Mr. President:** Order, order. I have allowed the Honourable Member to go into considerable detail because I was not quite sure what his intention was. The intention of a motion of this kind is, I think, obvious—not to provide an opportunity for the discussion of each clause in detail, because that opportunity comes at the next stage, but for the House to decide whether the Bill as returned by the Joint Committee has been returned in such a form as they can conveniently take into consideration, clause by clause. The Honourable Member may reserve his remarks upon each separate point which he has been raising for the clauses as they will come up *seriatim*, when we have passed this motion.

**Mr. N. M. Joshi:** I never intended to go into all the clauses at all. I simply wanted to refer to the employment of children because these clauses do not at present exist in the Bill. I should have liked the Joint Committee to have introduced these clauses and safeguards for the protection of young persons. Then, Sir, lastly I would only touch upon one point, namely, this Bill as it has emerged from the Joint Committee does not make sufficient provision for safety against accidents and the Bill leaves everything to the rules instead of taking some important points as regards safety in the Bill itself. This is a great drawback in my opinion in the Bill; and although I have not attempted to send in amendments on this point, because the task of sending amendments on such a point is indeed a very great one, still I feel it is my duty to point out that Government, when they make rules on this point, should provide sufficient protection against accidents. With these remarks, Sir, I support the motion.

**Mr. President:** The question is:

“That the Report of the Joint Committee on the Bill to amend and consolidate the law relating to the regulation and inspection of mines be taken into consideration.”

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

**Mr. B. N. Misra** (Orissa Division: Non-Muhammadan): Sir, my amendment\* relates to sub-clause (c) of clause 3. In this sub-clause ‘child’ is defined to be a person under the age of thirteen years. It appears to me, Sir, as if this Honourable House is going to prepare a dictionary or to give meanings to words which are ordinarily understood in another way. Generally, a child in India means a person below the age of 16; that is, up to the age of 15 we generally take them to be children; in law we have minor and major; and a child or minor would mean any person up to the age of 18; above that age he will be a major. In England a child or infant would mean any person up to the age of 22 and after that age . . . . .

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\*“That in clause 3, sub-clause (c), for the words ‘under the age of thirteen years’ the words ‘between twelve to fifteen years of age’ be substituted.”

**Mr. President :** Order, order. The Honourable Member has apparently neglected to provide any description for a person up to the age of 12 years. I cannot allow an amendment to be moved which makes nonsense.

**Mr. B. N. Misra :** I am sorry, Sir, but this has reference to section 26, and so I have put in this amendment to this section. The law provides that no child shall be employed in a mine or be allowed to be present in any part of a mine which is below ground . . . . .

**The Honourable Mr. C. A. Innes :** What about the child under twelve?

**Mr. President :** The Honourable Member is attempting to make nonsense of the clause. I do not propose to allow him to do it.

**Mr. N. M. Joshi :** May I, Sir, point out that unfortunately I do not take the view which you have taken of the definition of a 'Child'. Take for instance the Factory Act, in which I think the child is defined as between the ages of 12 and 15 years. My impression is that in that Act when the prohibition is laid against the employment of children below 12, the section simply says that persons who are below 12 are prohibited and the word 'child' is applied to persons between certain ages. That is my view.

**The Honourable Mr. C. A. Innes :** I may point out that in the Factory Act the word 'child' is defined as one who is under the age of 15 years.

**Mr. President :** If the Honourable Member cannot draft his amendment so as to express what he means, he cannot expect to move it.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move :

"That in sub-clause (e) of clause 3 omit all words after 'under this Act'."

Sub-clause (e) of clause 3 defines an "Inspector" and it says "Inspector" means an Inspector of Mines appointed under this Act and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform. Sir, I beg to submit that this provision of including a District Magistrate as an Inspector is not desirable, in this way, that the District Magistrate is the head of the executive and judicial functions in the district. Under this Bill the duty has also been laid on him as an Inspector to institute prosecutions. Therefore, the District Magistrate shall have to institute prosecutions in the courts subordinate to himself and that may not be desirable in the interests of justice and the owners. I therefore submit, Sir, that "District Magistrate" may be excluded from the term "Inspector" and other Inspectors may be provided instead of "District Magistrate". The District Magistrate being the head of the district can have the powers of supervision and will be the head of the Department in the district but he should not be made to perform all the functions of the Inspector. The

Inspector is also required to be an expert in mining matters and must also possess some practical experience in mining. The District Magistrate has already got much to do in the district, and has his hands always full, and so he cannot be expected to be such an expert as to properly look after the mines as well as to the interests of the public and workers in the way in which an expert Inspector is expected to do. Therefore, Sir, I submit that the District Magistrate should be excluded from the definition of the term "Inspector". It might perhaps be argued, Sir, that there are many districts in which there are very small mines and the employment of Inspectors is not possible and may not be desirable on the ground of cost and so the District Magistrate is required to work as an Inspector under this Bill. My submission in that case would be that if there are such mines in a district and the appointment of separate inspectors for such districts is found too costly then one Inspector may be put in charge of mines in those districts also instead of District Magistrates being made to perform the duties of Inspectors in their districts. Therefore, I move, Sir, that the words "District Magistrate" should be excluded from the term "Inspector" under this Act.

**The Honourable Mr. C. A. Innes :** Sir, in this sub-clause we have merely followed the existing Act. The existing Act gives the District Magistrate such powers as an Inspector may have and as may be vested in him by the Local Government. This sub-clause read with clause 4 (3) says that the District Magistrate is expressly debarred from exercising such powers conferred by section 19 or section 32, but otherwise he performs the duties of the Inspector subject to the general or special orders of the Local Government. As the Honourable Member indicated in the last part of his speech, it is necessary because of the very large size of India and the large number of mines that are in India with a very small inspecting staff. We have 1,760 mines under the Mines Act situated in different parts of India. We have only 4 Inspectors, and it is quite impossible for those 4 Inspectors to exercise their powers as an Inspector all the year round over all these mines. Now this Mines Act is intended very largely for the safety of workers down the mines, and if we cannot provide technical Inspectors for the supervision and control which is necessary in various parts of India, it is absolutely necessary that we should have the District Magistrate, who is the head of the District, to exercise those powers. It is specially necessary in provinces like Madras where there are not very many mines, and where the most convenient course is to let the District Magistrate exercise the powers of an Inspector. The only objection taken to the practice is that the District Magistrate may in the course of his inspecting duties have occasion to order prosecutions. The fear has been expressed that the subordinate magistracy of the district will always convict if the District Magistrate has ordered a prosecution. Well, Sir, we have safeguarded that, because you will find later on in the Bill that no case under this Act may be tried except by a first class Magistrate. I have been a first class sub-divisional Magistrate myself, and I cannot

imagine any Magistrate of the first class allowing his judgment on any case which comes before him to be swayed in any way at all by the fact that formal sanction of the prosecution has been given by the District Magistrate. The present practice is convenient, it is the existing practice, and I submit, Sir, that no reason has been shown why it should be changed.

The motion was negatived.

**Mr. B. N. Misra:** Sir, I move:

"That in clause 3, sub-clause (k) for the words 'the enforced absence of the injured person from', the words 'inability to attend to' be substituted."

Because "serious bodily injury" is defined as injury which involves or in all probability will involve the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding 20 days. I submit, Sir, in this the term "enforced absence" is not quite clear, because who will enforce? Will really the mine owners enforce the labour to absent from work? Certainly they are not going to do that. Their interest is to bring the injured person to work and to show that he has not received any serious bodily injury. I think it is rather meaningless, because in the Indian Penal Code we have got the term "grievous hurt" defined as "inability to attend to work for 20 days, etc." The words "the enforced absence of the injured person from" are rather meaningless, and if we substitute the words "inability to attend to" it would be quite all right. It would mean the inability of the person to attend to his work. So I move this amendment.

The motion was negatived.

**Mr. K. B. L. Agnihotri:** Sir, I also beg to move an amendment to sub-clause (k) of clause 3. My amendment is to the effect:

1 P. M.

"That between the words 'from' and 'work' the word 'his' be inserted."

Sir, as the definition in sub-clause (k) stands there seems to me some ambiguity in the interpretation of "serious bodily injury." It is just possible that my interpretation may not be the proper one. It may be due to the lack of a proper knowledge of English on my part that I may not be able to properly interpret the clause or to suggest a proper amendment. But I find that similar difficulties have arisen in the courts of law in interpreting sections 325 and 326 of the Indian Penal Code and from the little experience that I have, I have ventured to put in my amendment. As the sub-clause stands, it may mean that, if a person who has suffered the bodily injury were to be able to work in a different department of the mine or in a different place or if he were able to do the work of a different nature, then that injury may not fall within the purview of this definition. And my object by this amendment is to restrict its meaning in the way that only such injury be regarded as serious bodily injury if a man were to suffer an injury of a nature that he could not attend to the work for which he was employed, that injury shall be deemed to have been a serious bodily injury. For

instance, he may be working in a mine for raising loads and a load may have fallen on his leg so that he could not do the loading work himself, but at the same time he could be employed by his master in watching the persons going into the mines, or as a watchman. May I know if such an injury is the injury referred to in such a definition or is it not? As the clause stands, probably it will not be included in this definition and the man shall not be said to have suffered a serious bodily injury. But, if we were to so amend this clause that, where a man suffers from any injury the nature of which is such as to disable him to do that work which he ordinarily did before he received such injury, that injury should be deemed to be a serious bodily injury. I do not know whether or not the amendment which I propose will solve my difficulty but I simply put before the House the object of my amendment. If the Legislative Department or the draftsman in the Government of India think that my object will be served by the insertion of the word "his" so much the better. If not, I would request them to suggest a wording which will make the meaning clear and be in conformity with the object.

**The Honourable Mr. C. A. Innes:** Sir, I do not pretend to be a lawyer nor yet a draftsman and I must confess that my honourable friend's speech left me in some doubt as to what his difficulty was. All I have got to say is this; this definition of "serious bodily injury" was taken from the rules existing already in Bengal and Bihar and Orissa, and that is the reason why we adopted it. Secondly, I should like to point out that the exact wording of the definition is not a matter of any great importance. We are not discussing the Workmen's Compensation Bill: we are discussing the Mines Bill. The object of this clause is to explain the clauses later on in the Bill, clause 20, for instance, which requires notice to be given of accidents, causing serious bodily injury, and clause 40, which prescribes a slightly higher penalty in cases which serious bodily injury results from the contravention of the inspection rules. I submit that the matter is of no importance at all and I hardly think it worth while making the amendment suggested by the honourable member.

The motion was negatived.

Clauses 3, 4 and 5 were added to the Bill.

**Mr. K. B. L. Agnihotri:** Sir, here I am in the same difficulty as I was in while considering the definition of "serious bodily injury."

My amendment is:

"In clause 6, sub-clauses (a) and (b), substitute the words 'may be necessary' for the words 'he thinks fit'."

Clause 6 empowers the Inspectors to make such examination and inquiry as they think fit in order to ascertain whether the provisions of this Act and of the regulations, rules, etc., have properly been complied with. The words used show that the discretion lies with the Inspector. The Inspector may think fit even an

absurd inquiry, an absurd examination even though it may or may not have any connection with the provisions of this Act. That is to say, the words "he thinks fit" depend on his personal opinion rather than depend on the object of the inquiry which he may have in view. So, if we were to substitute the words "as may be necessary" this clause would be governed by and will be dependent on the object of the inquiry. The Inspector will not have any personal discretion at all. The Inspector shall have to judge about the necessity of the inspection from the object which he has in view and it could also be found out by superior officers whether a particular inquiry of a particular nature was essential under the particular circumstances or not. If there is any objection made to the examination or the inquiry by an Inspector, the Inspector can say "well, it may or may not be necessary for that object but I think it fit to examine and make such inquiries and therefore I do so and am not liable for my acts under this Bill." Therefore, I think but I am not quite sure "as may be necessary" will be a better and more desirable wording than "as he thinks fit" and I beg to move that the substitution be made.

The motion was negatived.

Clause 6 was added to the Bill.

**Mr. K. B. L. Agnihotri:** Sir, under clause 7 powers are given to the Inspectors to enter the mine for the purpose of surveying, etc., at any reasonable time by day or night. The amendment, which I beg to move is:

"To substitute the words 'during the working hours of the' for the word 'by' before the word 'day'."

That part of the clause will then read as follows:

"any part thereof at any reasonable time during the working hours of the day or night."

Sir, it may be said on behalf of Government that the words "reasonable time" will cover my amendment, but it is also likely that it may be interpreted in a different way. It may be said that "reasonable time" may mean during early portion of the night and in that case it may create some inconvenience and hardship to the owners and managers. So it will be better if you make it clear and lay down that the Inspector and the Chief Inspector will have authority to inspect and enter the mine or do all things mentioned in the clause only when the mine is working, that is, during the working hours and not when the work has been stopped. Therefore I submit that the words "during the working hours of the day or night" may be included in clause 7 so that the Inspector may have no right to go and enter the mine, take level or survey it at any time other than the working hours of the day and night.

**Mr. President:** Amendment moved:

"Substitute the words 'during the working hours of the' for the word 'by' before the word 'day'."

**The Honourable Mr. C. A. Innes:** Sir, I think that if there be anything in Mr. Agnihotri's amendment, he may be sure that mine owners throughout India would have taken up the point. None

of them have done so. No one has suggested it. The real reason is that in most mines, especially coal mines, work proceeds by day and night. There are no special working hours. The work always goes on.

**Mr. J. Chaudhuri** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): There are the words "after giving not less than three days' notice to the manager of the mine" in the clause. This clause therefore provides that three days' previous notice should be given, and if the mine owners have any objection, they can take the objection within those three days. So I do not think there is force in the Honourable Member's contention.

The motion was negatived.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

**Mr. K. B. L. Agnihotri**: Sir, I move that:

"In clause 10, in sub clause (b), omit 'the Chief Inspector or an Inspector' and add 'any qualified and experienced mining engineer not being in the service of the Government and not being a Chief Inspector or an Inspector'."

Clause 10 provides for the constitution of the Mining Boards and it has been provided in the clause as it stands, that the Chief Inspector or the Inspector could also be a member of the Mining Board. My amendment is to delete this provision and to exclude the Chief Inspector or the Inspector from the membership of the Mining Board. I have said before that the Chief Inspector or Inspector is practically the chief mining authority with whom the mine owners shall have to deal. He is the executive authority whose complaints and reference may be put before the Board and who has to launch prosecutions against mine owners for the breach of the rules or contravention of the regulations. Therefore it is undesirable that such a person should be on the Mining Board formed or constituted by the Government. It is better that instead of a Government officer in the form of a Chief Inspector or an Inspector, some other person, an expert in mining matters, be nominated in his place. Therefore, I suggest that instead of the Chief Inspector or Inspector a non-official Mining Engineer who has an expert knowledge of the working of the mines be nominated as a Member of the Mining Board. With these words, Sir, I move my amendment.

**Mr. President** : Amendment moved :

"In clause 10, sub-clause (b), omit the words 'the Chief Inspector or an Inspector' and insert the words 'any qualified and experienced mining engineer not being in the service of the Government and not being a Chief Inspector or an Inspector'."

**The Honourable Mr. C. A. Innes** : Sir, I think the Honourable Member has not fully apprehended what the functions of these Mining Boards are. The main functions of the Mining Boards are to scrutinise draft rules, regulations and bye-laws. These draft rules and regulations—regulations especially—will be drawn up in the first instance by the Chief Inspector of Mines. We also propose to lay down that they should be referred to the Mining Board

before we published them for general criticism. The Board is practically an advisory body to the Chief Inspector of Mines or to the Inspector and to the Local Government, and I think the House will see that it is absolutely essential that the Chief Inspector of Mines should be a Member of that Board. He must be there to explain his draft rules, to answer criticisms and generally to discuss the rules. There is no need for the Honourable Member to think that the Chief Inspector of Mines is always up against the mine-owners and the mine managers. From personal experience I can tell him that it is not so. Both the mine managers and the Chief Inspector and the Inspectors have one main object in view. They are anxious to get the regulations and the rules drafted in such a way that they provide in every possible way for the safety of the workers, and I think the House will agree with me that when you are discussing rules and regulations of this kind, it is very much better that they should be discussed by the Mining Board with the Chief Inspector there as a Member of the Board and able to answer criticisms and discuss the rules. It will be seen that he is only one out of a Board of six. I hope, Sir, that the House will not accept this amendment.

The motion was negatived.

Mr. N. M. Joshi : Sir, I beg to move the following amendment :

"In clause 10, sub-clause (1) (c), omit the words 'of whom one shall be a person qualified' and substitute in their place the words 'in consultation with the organisations of employees if such exist'."

There are two questions involved in my amendment. In the first place, the original Bill proposed that there should be two persons nominated by Government out of whom one shall be qualified to represent the interests of the employees. The amendment which I propose is that the two persons to be nominated should be both appointed to represent the interests of the employees. My reason is this. Under this clause, the employers are given two representatives on the Mining Board, and if the employers are to have two representatives on the Mining Board, it is but fair that the employees should also have an equal number. Sir, I believe that the stake which the employees have in the industry is as much as the employers have, if not more than the stake of the employers. This is true particularly of the mining industry. The House knows very well that the mining industry is a very dangerous industry. Every year this industry takes a toll of about 200 lives of the working classes. This is a great stake which the working classes have in this industry. If the mines are not properly worked, the mine owners suffer only loss in money. But if there is an accident and the regulations are not properly observed, the workers have to pay with their lives. I therefore feel that the stake which the employees have in the proper working of the mines is as much as if not more than, the stake which the employers have. Therefore, instead of having only one representative on the Board they should have two representatives as the employers also have.

The second point involved in my amendment is that the persons to be nominated by Government on behalf of the employees should



be nominated in consultation with the organisations of the employees where they exist, or if such exist. Sir, in the case of employers this clause provides that the representatives of the employers should be appointed by the employers themselves. If there had been well organised organisations of the employees, naturally this power of appointment would have gone to them also. Unfortunately, there is no central well organised association of the employees. Therefore I admit the desirability of Government nominating the representatives of the employees on the Mining Board. But I want to provide that when such well organised associations of the employees do come into existence, they will automatically be given the power of appointing representatives of the employees on the Mining Board. Sir, we all know that these Acts are not modified very often. As a matter of fact, this revision of the Mining Act has come after about 22 years. I am quite sure the next revision may come after 22 years or 25 years. (*The Honourable Mr. A. C. Chatterjee*: "No, no.") Within that period workers' organisations are bound to come into existence and grow very strong. I therefore think that we should provide in our Bill that as soon as workers' organisations come into existence they should have a voice in any nomination of their representatives on the Mining Board. I hope therefore that my amendment will find favour with the House.

**The Honourable Mr. C. A. Innes** : Mr. Joshi has told the House that mining is a very dangerous industry. I agree. It is also an industry which requires a very great deal of technical expert knowledge. Mr. Joshi has also told the House that it is unfair that the workers should have only one representative on the Mining Board while the employers should have two. The difference between Mr. Joshi and myself in this matter is that Mr. Joshi is concerned with the rights of workers and I am concerned with their safety. As I have said, this Mining Board exists for scrutinising the regulations for the safety of the miners. If Honourable Members will turn to the rule-making power, they will find the sort of things which the Mining Board has got to deal with rules for providing for the ventilation of mines and the action to be taken in respect of dust and noxious gases; for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes; for requiring and regulating the use of safety lamps in mines; for providing against dangers arising out of the accumulation of water in mines; for prescribing the qualifications of managers of mines and of persons acting under them. We have got to look at where the labourers come from. The labourers are for the most part aborigines, Santhals, aborigines from the Santhal Parganas. On the Mining Board the people we want are mainly people who have sufficient expert knowledge to understand these rules and these regulations. That is why we have the Chief Inspector of Mines on it. That is why we provide two persons nominated by mine owners. Whom do the owners nominate? Their mine managers, all qualified certificated mining engineers, and

I am quite sure that it would not help the workers if, on a consideration of what Mr. Joshi thinks their rights, we in any way weakened the technical power and technical knowledge on the Board. There are certain matters which come before the Board, matters connected with health, sanitation and so on in which the workers' representative may give some useful advice, and we endeavour to meet Mr. Joshi by providing that there should be one representative of the workers on the Board and I think that the House will recognise that it is a sufficient advance for the present.

Then, Sir, Mr. Joshi suggests that these representatives should be nominated by the Local Government in consultation with organisations of employees if such exist. Well, Sir, I am not a draftsman, and as I have said before, I am not a lawyer. It seems to me that in a law of this kind it is bad to put in a hypothetical clause of this kind. What we have to consider is that there are no organisations of employees at present, there are no unions of any sort or kind. If they come into existence and if, as Mr. Joshi says, they become very powerful, I have no doubt they will compel us to give them a share in electing their representatives on this Board. It will not merely be a matter of nominating in consultation with the organisations, the organisations will claim and will get the right of electing their representatives themselves, and I suggest that, instead of putting in a clause of this kind which does not mean very much,—you do not impose any obligation on the Local Government at all except the obligation of consulting these organisations if they exist—the Local Government is not bound in any way to accept their advice,—I suggest that it would be wiser to wait until organisations come into existence and until we can provide for them in a proper way.

I have another objection. As I have said Mr. Joshi is concerned here more with the rights of workers. He wants us to put in a clause in the Bill which will compel the Local Government to recognise organisations of workers of whatever kind. Now, I say, Sir, that by making this suggestion to the House Mr. Joshi has brought into it a matter which requires separate consideration, that is, the whole question of the registration of trade unions. That question, as the House probably remembers, is now under consideration and one of the most difficult questions connected with it is whether we should make registration compulsory or whether we should make it voluntary. If we make it voluntary, one of the incentives to registration will be this recognition, this consultation by the Local Government. Mr. Joshi prejudices the decision on that point. If we accept this, the Local Government will be compelled to consult a labour organisation or labour union whether that union has been registered or not. On both grounds, on the ground of the interest and safety of the workers themselves and on the other ground which I have just given, namely, that Mr. Joshi is asking us to take a premature decision on what is really an important point of principle, I hope that the House will reject this amendment.

**Mr. K. B. L. Agnihotri:** I have also given notice of a similar amendment and I think my amendment may be taken as an amendment to Mr. Joshi's amendment. Therefore, Sir, with your permission, I move my amendment as an amendment to Mr. Joshi's amendment. My amendment is :

"In sub-clause 17 (1) (c) after the words 'in mines' add the following :

'Provided that such nomination shall be based on the recommendation of organisations of employees where they exist', "

and with your permission, Sir, I add the words :

"and are recognised by the Government."

The Honourable Mr. Innes has put forward two grounds for opposing Mr. Joshi's amendment, one that Mr. Joshi's amendment puts in hypothetical words, and secondly, that there is a separate matter involving consideration about trade unions and their recognition. If my amendment be accepted, both these points would go away, because I do not provide a hypothetical word "if" but instead the words "where they are already in existence", and at the same time, to meet the Honourable Mr. Innes half-way I have added "and where they are recognised by the Government, say, after a consideration of the point whether trade unions ... "

**Mr. President:** I do not understand how the Honourable Member proposes to make his amendment an amendment to Mr. Joshi's amendment.

**Mr. K. B. L. Agnihotri:** For Mr. Joshi's amendment, Sir, my amendment be adopted.

**Mr. President:** The Honourable Member is aware that his amendment comes at the end of the clause and Mr. Joshi's amendment in the middle. We must dispose of Mr. Joshi's amendment before we come to his.

The motion was negatived.

**Mr. K. B. L. Agnihotri:** Sir, as I have said, I made those two points to the Honourable Mr. Innes. I think it would be desirable in the interests of the labour organisations to provide that they be authorised to recommend their nominees, and on that recommendation the Government would nominate such persons on the Board. If there be no labour organisations at present, my amendment would not come in the way of Government nominating any person, but will apply only where the organisations exist and are recognised by the Government and this will be a wholesome provision. The present Bill may not be taken up for revision, say for 20 or 25 years. Therefore I submit, that such a provision should be added to this sub-clause. With these words I commend my amendment to the House, namely :

"In sub-clause (c) after the words 'in mines' add 'provided that such nomination shall be based on the recommendation of organisations of employees where they exist', "

The motion was negatived.

Clause 10 was added to the Bill.

**Mr. K. B. L. Agnihotri :** Sir, I beg to move :

" In clause 11, for sub-clause (a) substitute :

" (a) Two Judges of the High Court of the Province, the senior of whom shall be the Chairman of the Committee."

Sir, clause 11 provides for the constitution of the reference committees. In the English law on which this law is based, it is provided that two of the members of the reference committee should be Judges, similar to what I have provided in my amendment. I shall read to the House section 117 of the Coal Mines Act, 1911, which refers to the appointment of the reference committee. Clause (3) of Section 117 lays down :

" The Reference Committee shall consist of the Lord Chief Justice of England, the Lord President of the Court of Session, and such person especially qualified by eminence in mining knowledge as the Lord Chief Justice and Lord President may select."

Sir, it is on the basis of this Coal Mines Act of 1911 that the clauses concerning the Reference Committee have been inserted in this Bill, and therefore it is desirable that, instead of any person being appointed by the Local Government as the Chairman of such Committee, we should have two Judges of the High Court on the Committee, and the senior Judge of the High Court should preside over the Reference Committee. These Reference Committees will have power under the Bill to settle disputes between the Government and the mine-owners. Therefore it is necessary that a Judge be appointed as the Chairman of such a Committee and another Judge be a member. As the Government happens to be one of the parties through the Chief Inspector, while the mine-owner becomes the other party, the person appointed by the Government will be no better than a person in Government service and so it will be better that an independent person be appointed as Chairman of the Committee. Therefore I suggest to the House that my amendment be accepted, and instead of a chairman being nominated by the Local Government or by such officer or authority as the Local Government may authorise in this behalf, a Judge be a Chairman and the clause be made to read : " Two Judges of the High Court of the Province, the senior of whom shall be the chairman of the committee."

**The Honourable Mr. C. A. Innes :** Sir, the Honourable Member has evidently again failed to understand what the functions of this Committee are. He talked of disputes between the workers and mine-owners and he talked of the Local Government being a party to those disputes. Therefore he suggested it was wrong that the Chairman should be nominated by the Local Government. This Committee exists merely for the purpose of appeals against orders under section 19 of the Act. Section 19 gives the Inspector very drastic emergency powers. If he finds any practice which is not otherwise provided for by rules under the Act to be extremely dangerous, he can require that that practice be remedied, and where the practice is very dangerous, he can even order the removal of the workers from the mine. If the power is abused by the Inspector, an appeal is allowed to the Chief Inspector, and then an appeal is

allowed to a Committee. Ordinarily I do not believe these Committees have often sat. Very rarely they will come into existence, but when they do, what are the sort of things they will have to inquire into? Probably it will be the sort of case where the Chief Inspector thinks that the robbing of pillars has gone to such an extent that a certain part of the mine or the whole mine has become so dangerous that the mine ought to be closed. The Committee may have to go to the mine and inspect it and decide the matter on the spot. It is a very technical work and not the sort of work which is suitable for two Honourable Judges of the High Court. I do not think they should be taken away from their Benches and taken down to the mines to report on matters of this kind. The provisions providing for the constitution of this Committee are precisely what they have always been. I think we have made one small change to provide for a representative of the employees, but substantially we have not altered the constitution of the existing Act which has worked very well, and I see no reason why we should change it now.

The motion was negatived.

**Mr. N. M. Joshi :** I wish to move the following amendment :

" That in sub-clause (c) of clause 11 (1) after the word ' nominated ' the words ' in consultation with the organisations of employees if such exist ' be substituted."

Sir, undeterred by the fate of my last amendment, I propose to move this amendment again in the hope that it will meet with a better fate. Sir, the objections taken to this amendment are likely to be the same which were urged against my previous amendment. It was said in opposition to my first amendment that the workers will not be able to select their representative, or select a proper representative for the Mining Board. It is said that the workers are Santhals and some such people and they have not got sufficient sense to elect a man who knows anything about mining. It is also said that if the workers are given the choice of electing, they will elect somebody that has only some theoretical knowledge of mining operations. Sir, I believe if workers are given the right of nominating their representative there are greater chances of their appointing a man who has got practical experience of mining operations than if the Government undertakes to do that work. Secondly the question was raised that my amendments involve the question of the recognition of trade unions. I do not know whether this question is at all open to Government. Government does recognise trade unions, if not of the working classes, at least trade unions of the employers. After having recognised trade unions of the employers, are they going to say that they are not going to recognise the trade unions of the employees? I doubt if any Government at all will take up that attitude.

Now, Sir, this amendment also is much simpler than my previous amendment. In my previous amendment I had mentioned organizations. In this amendment there is no mention of organizations at all, so there need not be any organization of employees and there need be no fear of the recognition of the organization of trade

unions. Before I request the House to accept my amendment, I want them to consider why these Committees will be appointed. They will be appointed when there is some trouble, some disaster, some accident, in a mine.

**The Honourable Mr. C. A. Innes :** No, that is a court of inquiry.

**Mr. N. M. Joshi :** Yes, only about matters concerning one mine. The Committees are not going to consider the large questions of mining operations. These Committees will consider questions as regards only one particular mine. If my impression is wrong, I am open to correction. Now, when a matter concerning the safety of the employees of a mine is to be discussed, the representative to be appointed on behalf of the employees should be appointed in consultation with these employees, and, as the number of the employees would not be a very large one, it will not be difficult to consult their wishes. Sir, our Factory Act, in one of its sections at least, provides that the workers in a factory should jointly make a certain request and, when they make a certain request, that request should be considered. If the employees of a factory can jointly make certain requests and ask for certain changes in the rules, then certainly the employees of a mine ought to be entitled to do the same without difficulty. I therefore feel that whatever may have been the fate of my previous amendment, this amendment is free from even the objections which were raised to my previous amendment.

I therefore hope that this amendment will be accepted.

**The Honourable Mr. C. A. Innes :** Sir, I am not going to follow the Honourable Member into any discussion re-opening the question of organizations. In this particular amendment all that Mr. Joshi asks is that, before a member is appointed to a Committee to represent the employees, those employees should be consulted. What does that mean? I presume it means that, before a Local Government can make a nomination, it has in some way to call together a mass meeting of the miners down a mine and try to ascertain whether they know of any person who will be competent to give an opinion upon the point at issue. That point is nearly always a technical mining point, a point as to whether it is safe to work down a particular part of a mine owing to the pillars being inadequately strong, or whether the fire area of a mine has got so much out of control that the whole of that mine should be closed down. I cannot see that it will be the least use to call together this mass meeting of employees and ask their opinion on a question like this. It will merely cause delay. And one has got to remember that it is a very urgent matter for the owner of that mine that he should get a decision on his appeal against the Chief Inspector's order. His mine during the whole of this time may have been closed down and the workers may have been removed. If this House will agree that no material advantage is to be gained by the procedure indicated by Mr. Joshi, I think we ought not to incur the further delay which will result from consulting the employees. Moreover, this particular amendment was

brought up by Mr. Joshi in Select Committee. I mentioned it to a mine owner and he said "That would suit me very well, because I could get my men to nominate exactly the person I wanted".

I think, Sir, on every ground we should object to this amendment.

**Rao Bahadur T. Rangachariar :** Sir, I am sorry to interpose, but there is a great deal in favour of the amendment moved by Mr. Joshi. It is admitted that these are merely Committees constituted for a particular dispute relating to a particular mine, so that it would be the employees of that mine whose interests would be involved. It is admitted in the Bill as it stands that the interests of the persons employed in a mine have to be protected, and it is supposed that this Local Government is so omniscient that they can find a person to represent their interests better than the persons themselves. How is a Local Government, situated hundreds of miles away, to know these interests. We know what it means. An Assistant Secretary or an Under Secretary will put up recommendations and the whole thing is done. The Local Government is supposed to know the interests of these employees better than the employees themselves. No doubt, Sir, where there is no will, you can exaggerate difficulties in the way. In a vast country like this, people's opinions are gathered and, when they want to rely on people's opinions, they will say "the masses think otherwise, it is the educated minority who agitate for a thing which the masses do not want". I do not know how the Government know the opinion of the masses. But, here, if you were to consult the people themselves, I do not think it would be very difficult. The Chief Inspector or the Chairman of the Committee, by rules which you may prescribe, may hold a meeting of the employees and make a nomination. I do not think the difficulties are so great that you cannot find out the wishes of the employees as to who their representative should be.

I heartily support the amendment.

**The Honourable Mr. A. C. Chatterjee (Education Member) :** With every sympathy for the object aimed at by Mr. Joshi and Mr. Rangachariar, I feel bound to oppose this amendment. I think my Honourable friend Mr. Rangachariar has not estimated the difficulties that will arise if the amendment is accepted and if we now legislate that, before a representative of the employees is appointed to a Committee, a mass meeting of the employees should be held. I do not know if either Mr. Rangachariar or Mr. Joshi is acquainted with the mine fields. I have some acquaintance with them, Sir, and I do not think it is realised that the mining population is shifting from day to day. How are you to find out who are the actual employees in a mine on a particular day or who are particularly interested in any matter which is referred to a Committee? Similarly, if there are two factions in the mine, it would often be extremely difficult for the Government to choose between the nominees of these two factions. The Honourable Mr. Innes has already referred to the very serious danger that will arise if the mine-owner gets round a large body of his

employees and persuades them to accept a man who would really side with him. I see very serious dangers in accepting this amendment until the trade unions system is properly organised in the mines. I do not think, Sir, that an amendment to this Bill of the nature that Mr. Joshi suggests will be very difficult when the trade unions system is properly organised in the mine fields. Let us wait till then. Let us not prejudge the question and get into serious difficulties. Sir, I am as much in sympathy with labour interests as perhaps Mr. Joshi is, and I strongly oppose this amendment.

**Mr. B. C. Allen (Assam : Nominated Official) :** Sir, I must protest against the description given by Mr. Rangachariar of the methods followed in appointing representatives of labour. I have some personal experience of the matter myself. There is in the Assam Council a representative of the garden coolies. I need hardly say that it is quite impossible to find any garden cooly who is capable of representing in the Council the interests of his fellow-work-ers. But when the duty was laid upon Government of selecting a gentleman to appear on behalf of garden coolies, all those who had any experience or who were in a position to give reasonable advice were consulted. The matter was investigated most carefully. There was no question whatever of merely asking an Under Secretary to submit a name. Divisional Commissioners and District Officers were asked for advice and ultimately a gentleman was selected whom everybody, I believe, who has any cognizance of the facts would admit to be the most qualified representative of the labourers on whose behalf he was appointed to appear.

**Mr. J. Chaudhuri :** Sir, I support my Honourable friend Mr. Joshi's amendment. He says "in consultation". He does not say that the representative should be elected by the employees. We remember that in the Legislative Councils formerly public bodies used to nominate representatives and the Government accepted them. So pending the formation of the Union of employees, I do not see any harm in the Local Government consulting the employees and accepting their recommendation. That is why I ask the House to accept this amendment.

**Sir Henry Moncrieff Smith (Secretary, Legislative Department) :** Sir, it has been proposed that an amendment should be made in the Bill. I do not intend to deal with the substance of the amendment. But from the drafting point of view I should like the House to consider what the proposed words will mean when they are in the Bill. Mr. Joshi will have the Member of the Committee nominated by the Local Government in consultation—that is to say, there is to be a consultation between the Local Government and the workers in the mines. How that consultation is going to be brought about, I for one entirely fail to understand, and I have not yet heard from Mr. Joshi or Mr. Rangachariar how the consultation is going to take place. Mr. Rangachariar suggested that the Chairman might be asked to intervene. That would not be a consultation between the Local Government and the coolies in the



mines, because the Chairman is in no sense a representative of the Local Government. I think, Sir, purely from the drafting point of view, if this amendment were carried, it would be a blot on the Statute Book.

**Mr. N. M. Joshi :** Sir, I have no right of reply but if you will permit me, I shall only make one remark with regard to the point raised by Sir Henry Moncrieff Smith.

If Sir Henry Moncrieff Smith finds any drafting difficulty in this clause, I would only draw his attention to the draft which he himself perhaps has made in the Factory Act, and it is this :

*" At the request of the employees concerned periods of rest of not less than half an hour each, so arranged that for each period of six hours work done there should be periods of rest of not less than one hour.....and that no person shall work for more than five hours continuously."*

Here the words used are "at the request of the employees". There is nothing said there about who is to make the request or who is to decide.

**Sir Henry Moncrieff Smith :** That is quite different from consultation.

**Mr. N. M. Joshi :** The employees in a factory may be in thousands. Take the case of Tata's Steel Works. They have got 30,000 employees. But nothing is mentioned in this section of the Factory Act as to how the request is to be ascertained, who is going to decide whether the request should be made or not or anything of the kind.

**Mr. W. M. Hussanally (Sind : Muhammadan Rural) :** Sir, I wish to add a few words to the remarks which have fallen from Sir Henry Moncrieff Smith. If one mistake has been made in the Factory Act . . . . .

**Sir Henry Moncrieff Smith :** No.

**Mr. W. M. Hussanally :** I do not think another should be perpetrated in this Act. In my opinion, any system of consultation would be so unworkable that it would be impossible to come to any decision in the matter at all if the miners or the employees were to be consulted. Supposing, Sir, the miners were consulted by a District Officer and some voted in favour of one gentleman or gave their vote to one gentleman and the others gave it in favour of another gentleman. How is the vote to be taken, and how is it to be decided? If the body of employees are to be consulted, this means an elaborate procedure of voting, which must be gone into, and I think if the House is minded to have this "consultation" brought in, a much more detailed system of voting ought to be put in to the Act so as to make the thing workable. Otherwise as the amendment stands, it will be entirely unworkable.

**Mr. President :** Clause 11. Amendment moved :

"In sub-clause (c) of sub-section (1), after the word 'nominated' the words 'in consultation with the employees' be inserted."

The question is that that amendment be made.

The Assembly then divided as follows:

### AYES—23.

Abdulla, Mr. S. M.  
Agnihotri, Mr. K. B. L.  
Ahsan Khan, Mr. M.  
Asad Ali, Mir.  
Ayyar, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Chaudhuri, Mr. J.  
Gulab Singh, Sardar.  
Jatkar, Mr. B. H. R.  
Joshi, Mr. N. M.  
Kamat, Mr. B. S.  
Mahadeo Prasad, Munshi.

Misra, Mr. B. N.  
Mukherjee, Mr. J. N.  
Nabi Hadi, Mr. S. M.  
Nag, Mr. G. C.  
Neogy, Mr. K. C.  
Ramayya Pantulu, Mr. J.  
Rangachariar, Mr. T.  
Sohan Lal, Mr. Bakshi.  
Srinivasa Rao, Mr. P. V.  
Subrahmanayam, Mr. C. S.  
Venkatapatiraju, Mr. B.

### NOES—36.

Abdul Majid, Sheikh.  
Aiyar, Mr. A. V. V.  
Allen, Mr. B. C.  
Barua, Mr. D. C.  
Bradley-Birt, Mr. F. B.  
Burdon, Mr. E.  
Chatterjee, Mr. A. C.  
Cotelingam, Mr. J. P.  
Dalal, Sardar B. A.  
Davies, Mr. R. W.  
Faridoonji, Mr. R.  
Gajjan Singh, Sardar Bahadur.  
Haigh, Mr. P. B.  
Holme, Mr. H. E.  
Hullah, Mr. J.  
Hussanally, Mr. W. M.  
Innes, the Honourable Mr. C. A.  
Ley, Mr. A. H.

Lindsay, Mr. Darcy.  
Mitter, Mr. K. N.  
Moir, Mr. T. E.  
Moncrieff Smith, Sir Henry.  
Muhammad Hussain, Mr. T.  
Muhammad Ismail, Mr. S.  
Percival, Mr. P. E.  
Pyari Lal, Mr.  
Samarth, Mr. N. M.  
Sarfaraz Hussain Khan, Mr.  
Sassoon, Capt. E. V.  
Sen, Mr. N. K.  
Singh, Mr. S. N.  
Sinha, Babu L. P.  
Sircar, Mr. N. C.  
Webb, Sir Montagu.  
Willson, Mr. W. S. J.  
Zahiruddin Ahmed, Mr.

The motion was negatived.

*30th January 1923.*

**Mr. President:** The Assembly will now resume consideration of the Report of the Joint Committee on the Indian Mines Bill.

### THE INDIAN MINES BILL.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I beg to move the following amendment:

“That to clause 23 the following sub-clause be added:

‘(d) for not more than 11 hours in a day.’”

I will take the latter part of my amendment separately. Sir, the evils which my amendment seeks to remedy are the evils of long hours of work in one day. By the Bill we have provided that there should be 54 hours of work in a week underground and 60 hours of work on the surface. Sir, by providing merely a limit for the week's work we do not stop the evils of the long hours of work. As a matter of fact, it was admitted during the discussion of the hours of work for the week that the workmen in the mines do not work generally more than 54 hours a week at all. Therefore, when that limit was placed, it was not placed to remove any evil because the

evil of the long hours of work in a week did not exist at all. That limit was placed in order to satisfy the Washington Convention: that is all. But, even when you have a limit of 54 or 60 hours a week, you do not prevent long hours of work during the day. It is quite possible that the 54 hours may be worked in three days of 18 hours. Sir, it is not an exaggeration when I say that sometimes people do work for 18 hours a day in the mine and finish their week's work in that way. As a matter of fact this has been admitted both by Government and my honourable friend, Mr. Sircar.

Mr. N. C. Sircar (Bengal: National Chamber of Commerce): I did not admit it.

Mr. N. M. Joshi: He says he did not admit it. Sir, he at least admits that there are not more than 54 hours in a week and he also admits that these people do not work for more than 3 or 4 days in a week. After working for 3 or 4 days these people go home. Sir, if these people work for 2 or 3 days or at most 4 days and finish the week's work which is about 54 hours' work, I think I am right in saying that the people in the mines must be working more than 13 hours and even sometimes 18 hours in a day. My honourable friend, Mr. Sircar, may refuse to admit the fact which all the same exists. How does he propose to divide the work of 54 hours in three or four days' time unless the people work for 18 hours or at least more than 13 hours a day?

If my honourable friend, Mr. Sircar, and the Government maintain that people do not work even for 54 hours a week, I can understand it. But if they say that the people do not work for 54 hours, my contention is, why did they not accept the amendment of my honourable friend that there should not be more than 48 hours in a week? If people do not work more than 48 hours in a week why should they object to the amendment? As a matter of fact people do work more than 48 hours. They work 54 hours and therefore the 54 hours' limit was accepted. Sir, this evil is not imaginary. Not only people work up to 18 hours in a day but sometimes a large number of people remain in the mine for the whole day, including night, and for days together. Sir, I do not wish to request the House to take my word unsupported by an authority. I therefore propose to read a sentence from the latest report of the Chief Inspector of Mines. The Chief Inspector of Mines in his latest report says:

"The practice of sleeping underground is only too common, although it is usually forbidden."

(An Honourable Member: "What does 'sleeping' mean?") "Sleeping" means spending their night. Sir, as a matter of fact, people cannot but do that. Both Government and my honourable friend, Mr. Sircar, will admit that they do not make provision for the housing of all the people who go to work in the mines, and if there is no provision of a residence on the surface, people do not mind sleeping underground and go on working as long as they can work. Both Government and my honourable friend have admitted

this fact that a large number of people come from their village to the mines.

**Mr. N. C. Sircar:** I rise to a point of order, Sir. I did not say that they are not provided with housing accommodation. What I said was that people coming from a distance of 5 or 6 miles do not go home every day. They go back home after their work is over.

**Mr. N. M. Joshi:** Sir, my contention is that all the people who work on the mines have not been given residential quarters in the mines. Are there residential quarters in the mines for all the people that work there? Again, there are a large number of people who come from the villages to work on the mines. Do you mean to say these quarters have been built for not being occupied at all? As a matter of fact, a large number of people have not got sufficient residence on the mine. Therefore a large number prefer to go on working from one morning to the next morning, having practically little rest, sleeping somewhere and again beginning work and finishing the 54 hours for the week. This has been going on for a long time and the remedy that we have proposed in this Bill is no remedy for that evil. We simply propose that there should be 54 hours in a week. That is no remedy for stopping over-work during one day. Sir, the evil effects of the long hours of work in a day are both economic as well as from the point of view of health. If people go on working without sound sleep and without sufficient rest in the day for three or four days continuously, their health is bound to suffer. Again, from the economic point of view, neither the workman gains nor do the employers gain. The workman has to work 54 hours in a week. If he works these 54 hours after taking sufficient rest at intervals, I am quite sure he will be able to produce more during the 54 hours than if he works those 54 hours without sufficient rest. From the same point of view the employers also do not gain very much. Neither do the employers gain by this practice nor do the workmen gain economically. From the point of view of the health of the workmen there is a great loss. Thus, this practice of working without any limit of rest during the day is harmful from all points of view. If that is so, I should like to know what the objections are which Government or my honourable friend, Mr. Sircar, may take to the proposal which I am making, namely, that there should be a limit of work for the day. I propose that the limit should be 11 hours of work. Sir, I have proposed the limit of 11 hours not because I feel that a smaller limit is not desirable, but because I want the support of the whole House if I can gain it. I have particularly kept the limit at such a high figure as 11 hours simply because I want to carry, if possible, the whole House with me. Now, Sir, what can be the objections to this proposal? My honourable friend, Mr. Chatterjee, yesterday said that these people working on the mines must work decent hours of work. I ask him whether he will take objection to my proposal of 11 hours on the ground of decency. I hope he will not. Neither will my honourable friend, Mr. Innes, nor my honourable friend, Mr. Sircar, will take objection to my proposal on the ground that 11 hours' work is not a decent amount of work.

Then, Sir, there were some objections taken yesterday to the proposals for the week's limit of work on the ground that the earnings of the workmen will suffer. There cannot be any objection to my proposal even from that point of view. I do not propose that the total week's work should be reduced. Let the total week's work be of 54 hours. I only propose that this 54 hours' work should be more evenly and fairly distributed. Instead of people being allowed to work 54 hours in 3 or 4 days' time, I only propose that these 54 hours should be worked in 5 or 6 days' time. Therefore, from the point of view of the earnings of the workmen there cannot be any objection to my proposal. Then, Sir, what can be the other objection? The objection which either the Government or my honourable friend, Mr. Sircar, will take is that of the habits of the people. It is said that those who work on the mines belong to some class of people who have not got regular habits of work. They are the Santhals or some such people, and their habits of work are irregular. They will not be trained, they will not be disciplined to regular work. That is the main ground on which objection can be taken to the proposal which I am making. Sir, I would like to know from my honourable friend, Mr. Innes, or any supporter of his whether this objection of the habits of the people was not taken whenever there was a proposal for regulating the hours of daily work. I want to know whether, when the Factory Act was discussed and when the limitation of the hours of work in factories was discussed for the first time, objections were not taken on the ground that the habits of the people in India differ. Not only that, but even to-day, those who have an opportunity of speaking to people who employ a large number of people in factories in Bombay, not the Santhals of the Central Provinces or Bihar but in Bombay, will always hear complaints that the habits of the people prevent their reduction of the hours of work. So this complaint about the habits of the people is not a new one. It is an old complaint, and it has been brought forward not only in India but in all the countries of the world whenever there was an attempt to limit the hours of work for the day. Therefore, there is nothing special in this objection which the Government propose to take. As a matter of fact, it is feared that people work longer hours and they are not also disciplined because we do not make an attempt to regulate their life. It is necessary that their life should be regulated and because it is necessary to do so, the factory legislation has come into existence. If there are any people who say, "Why should we limit, why should we regulate the life of the working classes", my answer to them is that they are too late in the day. The principle that the hours of work for the working classes should be regulated has been accepted by this country, by this Government, as well as by the whole world. Therefore if they say we should not interfere with the liberty of the working classes, I say they are too late in the day.

Then, Sir, when this question was discussed last time and even yesterday, it was said that I have no personal experience of the mines in India. Sir, I admit this disadvantage and I regret it, but

I want to know how my honourable friend, Mr. Innes, who insisted upon visiting one mine before he introduced the Bill, and my honourable friend, Mr. Chatterjee, who insisted upon visiting a dozen mines,—how did they learn by merely visiting these mines once or even a dozen times the habits, sentiments and the feelings of the working classes! Is there any one here who will believe that it is possible for such high officials as my honourable friend, Mr. Innes, and my honourable friend, Mr. Chatterjee, by simply going to a mine, to learn the habits, the sentiments and the feelings of the working classes? Sir, I do not myself believe it and I do not think there will be any one here who will believe that by their going there they have learnt the habits, the feelings and the sentiments of the working classes. I therefore feel that I am not at a greater disadvantage than they are in this matter.

Then, there is another point of view from which Government is likely to take objection to my proposal and it is this. Yesterday, the honourable Mr. Innes said that this proposal and any other proposal for limiting the daily hours of work will be impossible of supervision. Sir, I want to know from the honourable Mr. Innes and those who support his view, if it is possible for the Inspectors of the Government to enforce the rule regulating the weekly hours of work, it is equally possible, nay, easier to enforce the daily hours of work and to see that the daily hours of work are properly observed. I want to know how any Inspector is going to see whether a man has worked 54 hours or more without finding out how much the man has worked during one day. If he has to find out the weekly hours of work, he has to find out the daily hours of work. Therefore, it is no more difficult for an Inspector to inspect mines for the sake of this rule, for the sake of the rule which I am proposing, than if he could inspect the mine for the sake of the rule which the Government has already made. Therefore, there is no more difficulty from the point of view of supervision.

Sir, it was said that when I made these proposals I had not had the advantage of the advice of such experienced people as the Factory Inspectors, and especially the Chief Factory Inspector who has got great experience of this matter. It was said so last time. Sir, I again say that I am at a disadvantage. I have not got advisers who get salaries which the Chief Inspector of Mines gets, but it is quite possible for even a humble man like myself to get some adviser who knows the conditions in mines. But, Sir, I should like to know from the Government—I admit they have got the advantage of the advice of the Chief Factory Inspector, but—whether they follow the advice of the Chief Factory Inspector: that is more important than having his advice at their hands. Sir, in order to tell the House how the Government of India follow the advice, the opinions of the Chief Factory Inspector, I propose to read one more passage from the latest report of the Chief Factory Inspector. I am sorry I have to read this passage from the “Times of India” (Mr. N. C. Sircar: “Inspector of Factories or Mines?”) Mines. I am sorry that I committed that mistake and I am very glad that

my Honourable friend has corrected me. I say, Sir, I have to read the passage from the "Times of India" as the Honourable the Home Member has refused to give us free copies of the reports of the different Departments. This is the passage:

"The practice of sleeping underground is only too common, although it is usually forbidden. The institution of regular shifts would discourage this and many managers would welcome a statutory regulation of hours of labour. They are at present deterred from regulating hours by the fact that miners would probably resent the enforcement of the regulations and leave their mines for other mines where such regulations were not in force. Were the hours of labour regulated, many difficulties in respect of supervision would disappear and the efficiency of inspection by officials would increase."

That is the opinion of the Chief Inspector of Mines, namely, were the hours of labour regulated, many difficulties in respect of supervision would disappear; not only will there not be greater difficulties of supervision, but the difficulties of supervision will disappear. That is the opinion of the Chief Inspector of Mines on this point. Sir, I want the House to see that when the Chief Inspector of Mines talks of the regulation of hours, he is talking not of the regulation of the weekly hours, but the regulation of the daily hours of work. This is clear from the fact that he is, at the beginning of the paragraph, mentioning the habit of sleeping underground. Moreover, not only does the Chief Inspector of Mines consider this practice desirable, but he says that many managers also consider this practice desirable. Therefore, the only difficulty in their way is that they fear that the miners may not like this regulation. It is true that the miners will not like the regulation. Nobody likes any control, nobody likes any regulation when first introduced. But, Sir, the Government has got experience of regulating the hours of work in other directions. They have regulated the hours of work of people who were not in the habit of having their hours of work regulated in the factories. People naturally would resent in the beginning, but I am sure the working classes would take to it if Government once introduced this regulation. The real difficulty in introducing this limit voluntarily is that when one mine introduces such a limit the mine owner is afraid he would lose his labour, and the labour might go to some other mines. Therefore, this regulation cannot be introduced voluntarily. It can only be introduced by legislation. That is the opinion of several managers of the mines. That is the opinion of the Chief Inspector of Mines. I hope, Sir, the Government will follow the advice of their Chief Inspector in this respect.

Lastly, I would only like to say one or two words to the Members of this Assembly. I have specially made the amendment so moderate, putting the daily hours of work at such a high figure as 11, because I want to make the principle of the regulation of daily hours of work recognised. If there is any Member here who can show any other way of getting the same principle recognised, I shall be only too glad to accept his suggestion. If there be any Member here who makes a proposal that the 11 hours of work should be increased but we shall recognise the principle of the limitation of

the hours of work, I shall seriously consider that proposal. But what I want the House to do is that this principle of the regulation of daily hours of work should be recognised.

Sir, there is one point on which I should like to speak before I finish and it is this. Members of the House are likely to be told by Government that the Local Governments have not been consulted. I repeat my yesterday's argument. Local Governments must know that this point would be discussed if they had followed the discussion that took place in the Simla session on the appointment of the Joint Committee. If the Local Governments and the mine owners have not considered that point, it is not my fault. The Members also may be told that as Government are opposed to this amendment Government may withdraw the Bill and there may be difficulties. The Bill may be at least postponed. Members need not entertain any fear on that score also. The Bill is going to come into operation at the end of July 1924, 18 months from to-day. So, if Government wants to introduce any modifications they like, they can do so. There will be no postponement of the Bill at all, because the Bill will come into operation from July 1924, 18 months from to-day. There is no likelihood of any delay being caused by our accepting this amendment. I therefore hope that the Members of this Assembly by a majority will accept my amendment.

**The Honourable Mr. C. A. Innes** (Commerce and Industries Member) : Sir, I wish first to take up some points which Mr. Joshi has raised against me. He first admitted that he himself had never been to the coal fields and had never studied the conditions of life in the coal fields. He then asked what advantage Mr. Chatterjee and myself had gained from going to the coal fields and making inquiries there for ourselves. He pointed out that in the course of a visit or two one could not enter into the feelings of the labourers in the mines. Now Mr. Joshi has made one mistake. My friend, Mr. Chatterjee, here has not only visited in his capacity as Secretary to the Government of India in the Industries Department many coal fields but he has spent many years of his life in those fields. He tells me that he lived there for many years as a child and therefore Mr. Chatterjee may claim real acquaintance not only with the conditions of life but also with the feelings of the labourers in the field and, as for myself, I possibly approach this coal problem from a point of view which is perhaps wider than that of Mr. Joshi. Mr. Joshi stands before this Assembly as the representative of a class. He asked this Assembly to consider class interest only. We on the Government Benches have to take other points of view into account. We have to consider the effect of any legislation which we may pass upon the country as a whole. I would ask the House to remember that this legislation which we are dealing with to-day affects in a very peculiar degree the most important industry in all India. Coal is the life-blood of Indian industries. Any hasty legislation and any ill-advised legislation which we may pass must have the most disastrous effect. It may send up the price of coal.



for every industry in India. It may even have the result that there will not be enough coal to go round and I hope, Sir, that the House will bear that fact in mind. I speak with some experience of this matter. For the last three years one of the most constant anxieties of the Government of India has been the coal position of India and I do hope that the siren voice of Mr. Joshi will not lead the House to adopt measures which will make an already difficult position much more difficult. Mr. Joshi then asked why it was that we did not adopt the advice of the Chief Inspector of Mines. He read an extract from the Chief Inspector's last Report. In that extract the Chief Inspector said that not only he but many mine managers in the fields were strongly in favour of a system of shifts. Sir, the Chief Inspector has been consulted in every line of this Bill. The Chief Inspector, as Mr. Joshi well knows, was present at the meetings of the Joint Committee and, Sir, I have assured myself that the Chief Inspector, however much he may be in favour of a system of shifts, is quite satisfied that it is impossible either to introduce a shift system at present or to impose a daily limit of hour. I have also satisfied myself by meeting many of the leading mine managers in the coal fields (and I say here and now that I have never met a more enlightened set of men), that these men are entirely in favour as we are all in favour, of a system of shifts if it can be introduced, but deprecate any immediate statutory imposition of that system of shifts. Then, Sir, as I said when this Bill was discussed last September, not very long ago we had a committee which inquired into the whole question of labour in the fields. That committee also referred to this question of introducing the system of shifts. They admitted that many mine managers in their evidence had said that what the coal fields really wanted was a system of shifts but they went on to say they were afraid that it was premature to introduce such a system by legislation, and surely, Sir, when we appoint a representative committee of this kind we must attach weight to their words. As I said, I entirely agree that we could not confer a greater benefit upon the coal field than if we could assist mine managers to introduce a system of labour by shifts. But I deprecate attempting to do so before the time is ripe and I think the best way of dealing with that problem would be to deal with it in the same way as we have dealt with the equally difficult problem of women labour. That is, when we address Local Governments in the terms of the Joint Committee's Report on the question whether a time limit could not be given for the employment of women in the fields we might at the same time consult them as to the possibility of setting a time limit by which a statutory system of shifts should be introduced throughout the fields. That I think will be the wisest and the best way of dealing with that problem. I am not in favour at this time of imposing a statutory limit of hours. I think, Sir, no one can accuse us of being reactionary in this Bill. We have made in the Bill some very real advances. We have for the first time prohibited the employment of children down mines. We propose, if the House will agree, to prohibit even the presence of children in the mines, and that will inevitably reduce the number of women

who go down those mines. That will reduce the labour population in the mines and this House has got to remember that the real difficulty which confronts every coal manager in India is the difficulty of getting sufficient labour. I say, that those measures are sufficient for the present and I am not in favour of going further and at this moment imposing a daily limit of hours. We have imposed a weekly limit of hours. Mr. Joshi asks what is the difference between a weekly limit and a daily limit. He says :

“ If you are prepared to enforce a weekly limit, why can you not equally enforce a daily limit.”

Then he went on to say that the reason that he wanted a daily limit was that he merely wished to enforce a principle. Now, Sir, that is the very reason why we have begun by imposing a weekly limit. We want to enforce a principle, but I do not say and I have never claimed that that weekly limit is going to make any material difference to the amount of hours' work in the fields. To the best of my belief, miners do not work 54 hours a week below ground, but we think it important that in this Bill we should recognize the principle of a weekly limit of hours. I may say here now that I would not have included that provision in the Bill had I thought that the enforcement of the provision would disorganize labour and the miners and would involve many prosecutions of mine managers for infringement of the rule. But it is different with the daily limit. Mr. Joshi, as he said, wishes to impose a daily limit merely to recognize the principle. My fear is that if you impose a daily limit, it will not be possible at all to enforce it without a very large increase in the inspecting staff, and even if we did make that increase in the inspecting staff, and did try to enforce the limit, it would mean numerous prosecutions and disorganization of the whole of the coal field labour. We have got to consider what the conditions of labour on these fields are. The men do not go down at any stated time of the day, they do not come out at any stated time of the day. They are not paid by time, they are paid by results. Labour in the fields is a labour under small raising contractors. The labourers go down when they like. They cut coal, they put it into the tubs, and they are paid so much per tub. How, therefore, are we going to enforce a daily limit? As I have said, the whole of the labour does not go down at the same time and does not come up at the same time. The only way of enforcing a daily limit of hours would be to have an inspector in each mine, for that inspector to check for each man down in the mine precisely at what time he went down in the mine and whether he had exceeded the daily limit. We have been advised by the Chief Inspector, we have been advised by every mine manager, that it is impossible to do that,—that the only way we can enforce this method would be to impose a shift system and I have already given reasons why we wish to take the reform slowly.

Then I wish to point out to this House that it is not a question of men working 11 hours a day for 6 days in the week. Many of these miners, especially in the Ranigunj coalfields, are agriculturists; they come in, it may be, 6, 8, or 10 miles to the mines. They live

for every industry in India. It may even have the result that there will not be enough coal to go round and I hope, Sir, that the House will bear that fact in mind. I speak with some experience of this matter. For the last three years one of the most constant anxieties of the Government of India has been the coal position of India and I do hope that the siren voice of Mr. Joshi will not lead the House to adopt measures which will make an already difficult position much more difficult. Mr. Joshi then asked why it was that we did not adopt the advice of the Chief Inspector of Mines. He read an extract from the Chief Inspector's last Report. In that extract the Chief Inspector said that not only he but many mine managers in the fields were strongly in favour of a system of shifts. Sir, the Chief Inspector has been consulted in every line of this Bill. The Chief Inspector, as Mr. Joshi well knows, was present at the meetings of the Joint Committee and, Sir, I have assured myself that the Chief Inspector, however much he may be in favour of a system of shifts, is quite satisfied that it is impossible either to introduce a shift system at present or to impose a daily limit of hour. I have also satisfied myself by meeting many of the leading mine managers in the coal fields (and I say here and now that I have never met a more enlightened set of men), that these men are entirely in favour as we are all in favour, of a system of shifts if it can be introduced, but deprecate any immediate statutory imposition of that system of shifts. Then, Sir, as I said when this Bill was discussed last September, not very long ago we had a committee which inquired into the whole question of labour in the fields. That committee also referred to this question of introducing the system of shifts. They admitted that many mine managers in their evidence had said that what the coal fields really wanted was a system of shifts but they went on to say they were afraid that it was premature to introduce such a system by legislation, and surely, Sir, when we appoint a representative committee of this kind we must attach weight to their words. As I said, I entirely agree that we could not confer a greater benefit upon the coal field than if we could assist mine managers to introduce a system of labour by shifts. But I deprecate attempting to do so before the time is ripe and I think the best way of dealing with that problem would be to deal with it in the same way as we have dealt with the equally difficult problem of women labour. That is, when we address Local Governments in the terms of the Joint Committee's Report on the question whether a time limit could not be given for the employment of women in the fields we might at the same time consult them as to the possibility of setting a time limit by which a statutory system of shifts should be introduced throughout the fields. That I think will be the wisest and the best way of dealing with that problem. I am not in favour at this time of imposing a statutory limit of hours. I think, Sir, no one can accuse us of being reactionary in this Bill. We have made in the Bill some very real advances. We have for the first time prohibited the employment of children down mines. We propose, if the House will agree, to prohibit even the presence of children in the mines, and that will inevitably reduce the number of women

who go down those mines. That will reduce the labour population in the mines and this House has got to remember that the real difficulty which confronts every coal manager in India is the difficulty of getting sufficient labour. I say, that those measures are sufficient for the present and I am not in favour of going further and at this moment imposing a daily limit of hours. We have imposed a weekly limit of hours. Mr. Joshi asks what is the difference between a weekly limit and a daily limit. He says :

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Then he went on to say that the reason that he wanted a daily limit was that he merely wished to enforce a principle. Now, Sir, that is the very reason why we have begun by imposing a weekly limit. We want to enforce a principle, but I do not say and I have never claimed that that weekly limit is going to make any material difference to the amount of hours' work in the fields. To the best of my belief, miners do not work 54 hours a week below ground, but we think it important that in this Bill we should recognize the principle of a weekly limit of hours. I may say here now that I would not have included that provision in the Bill had I thought that the enforcement of the provision would disorganize labour and the miners and would involve many prosecutions of mine managers for infringement of the rule. But it is different with the daily limit. Mr. Joshi, as he said, wishes to impose a daily limit merely to recognize the principle. My fear is that if you impose a daily limit, it will not be possible at all to enforce it without a very large increase in the inspecting staff, and even if we did make that increase in the inspecting staff, and did try to enforce the limit, it would mean numerous prosecutions and disorganization of the whole of the coal field labour. We have got to consider what the conditions of labour on these fields are. The men do not go down at any stated time of the day, they do not come out at any stated time of the day. They are not paid by time, they are paid by results. Labour in the fields is a labour under small raising contractors. The labourers go down when they like. They cut coal, they put it into the tubs, and they are paid so much per tub. How, therefore, are we going to enforce a daily limit? As I have said, the whole of the labour does not go down at the same time and does not come up at the same time. The only way of enforcing a daily limit of hours would be to have an inspector in each mine, for that inspector to check for each man down in the mine precisely at what time he went down in the mine and whether he had exceeded the daily limit. We have been advised by the Chief Inspector, we have been advised by every mine manager, that it is impossible to do that,—that the only way we can enforce this method would be to impose a shift system and I have already given reasons why we wish to take the reform slowly.

Then I wish to point out to this House that it is not a question of men working 11 hours a day for 6 days in the week. Many of these miners, especially in the Raniganj coalfields, are agriculturists; they come in, it may be, 6, 8, or 10 miles to the mines. They live

in their villages and work in their fields. But they come into the coalfields, they go into the mines, they cut as much coal as they think necessary, they rest, possibly sleep, down the mine, and then they go back to their villages. They are not working 24 hours at a time; they are not working all the time, for half the time they are sleeping; and when they go back to their fields, they have cut 6 or 7 tubs of coal in order to supplement their earnings in the fields. The House has got to remember that this is not a question of miners working day after day 11 hours a day. It is a question of agriculturists coming in and spending two or three days at the outside, sometimes only 24 hours, in a mine, working as it suits them, — possibly sleeping down the mine and then going back to their fields. Mr. Joshi says that they sleep down the mines because houses are not provided for them. He has accused the coal miners of not providing sufficient house accommodation. That charge, to the best of my belief, is entirely inaccurate. Houses,—bustees—are provided by every coal miner at every mine. But people who come in, who live 5, 6 and 7 miles away, they do not want houses; if they sleep in the mine, it is because it suits them and their convenience to do so. Now, Sir, I think I have met most of the points which have been brought against us by Mr. Joshi. I wish this House to remember that this is a very important question. I wish this House to remember that Government have put forward a Bill which goes as far as they are prepared to go. We may be accused, and when we come to clause 25 we shall be accused, of having gone too far, but I shall ask this House not to be in a hurry, not to run the risk of disorganizing a very important industry merely in order, as Mr. Joshi says, to enforce a principle, to enforce the principle of a daily limit of hours. I have said that I am quite prepared to consult Local Governments whether we could not fix a time limit within which a system of shifts should be introduced in the coal fields; and I think the House will agree that that is the right way to advance in the direction in which we all wish to go.

**Mr. N. C. Sircar :** Sir, Mr. Joshi has said that the miners sleep down below because of want of house accommodation. I invite Mr. Joshi to go to the coal mines and see if there are not houses for them. There are houses, and the houses are now being regulated by the Mines Board of Health,—and in a few days the miners will get as good houses as many of us would like to live in. There are houses in the collieries in which the permanent labour lives,—and there are also houses in the collieries, which are purposely meant for sojourners who come and work for certain hours and go back. I must tell my friend, Mr. Joshi, that when he says there is a want of houses, that we do not provide houses for labourers, he must be labouring under a mistake. Mr. Joshi has said that I said yesterday that the miners work for two or three days in the week. I never said so, that is a wrong statement. Then my friend says about the habits of the people. I invite him to go to the coal mines and see what sort of labour we have to deal with. We have 101 castes of labour, and everyone in the House can imagine how

difficult it is to change the habits of so many castes and creeds, especially illiterate as they are. Then my friend says about 11 hours' work. I welcome if the labourers will work 11 hours, but as a matter of fact they do not.

**Mr. N. M. Joshi:** Then why do you oppose?

**Mr. N. C. Sircar:** I am coming to the point. As a matter of fact I shall be too pleased if the underground labourer would work for only 8 hours, but as my friend, Mr. Chatterjee, pointed out yesterday, 54 hours, that is 9 hours a day, have been the utmost limit. But as a matter of fact we do not get more than 48 hours' work. Then about the 11 hours I was going to say that as my Honourable friend, Mr. Innes, has said, no daily working hours can be fixed until the shift system can be introduced, and it is impossible at the present moment unless and until we are a bit independent of the labour by electrifying our coal mines and introducing electric coal cutters. Some of the miners are resident of villages 5 or 6 miles away from the collieries. As has been pointed out by my Honourable friend, Mr. Innes, they are also agriculturists. They work in their fields in the morning and go down the mines in the afternoon and work up to such time as they please; sometimes they sleep underground and sometimes come to the surface to sleep and go down again about 2 o'clock in the morning, work till sunrise and then go home, after which they are 2½ hours off. So, unless and until we are independent of this class of labour, and unless and until we can introduce the shift system, I cannot see how it is possible to introduce a daily system of 11 hours; and if the Legislature attempts to introduce such a system, we shall, I am afraid, lose a good deal of our underground labour. The House knows what difficulty we were put to in 1921, having to buy ten lakhs of tons of coal from foreign countries at a cost of about two crores of rupees over and above what we would have paid in this country for same. With these remarks, Sir, I oppose the introduction of an 11 hours' working day.

**Rai Bahadur Bakshi Sohan Lal** (Jullundur Division: Non-Muhammadan): Sir, the object of limiting the number of working hours in a week to 60 and 54 provided by clauses (b) and (c) is to protect the health and eventually the life of the labourer. But will that provision alone have the desired effect if a greedy labourer works 18 hours daily for three days consecutively and takes three days holiday consecutively? It may be admitted without much argument that 18 hours' work a day continuously may do much more injury to the labourer's health than 9 hours daily work for six days. Therefore it is more necessary to limit the hours of work a day than the number of hours in a week. Without limiting the number of hours of work in a day, the limiting of the hours in a week is of no avail. The labourer may become a total invalid after 18 hours' work in a day or after 54 hours in three days. Unless such daily work is limited, the provisions of clauses (b) and (c) may also be evaded easily by the labourer working three days under one mine

owner and three days under another mine owner without being detected. Neither mine owner will know the hours he has worked with the other. I consider that even 11 hours' work in a day is excessive. The labourer requires at least two hours off for preparing his food ; that makes 13 hours, which means the whole day continuous work during summer and more than the day continuous work during winter. Thus 11 hours daily work is too much, but as the amendment comes from Mr. Joshi who represents labour, I am bound to support it.

**Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I am really surprised at the change in the attitude of the Government of India during the last decade about the limitation of working hours. It is easy for the Honourable Mr. Innes with his persuasive eloquence to convince everybody that the key industry, coal mining, would be ruined unless we sacrifice human beings for that purpose. When the attempt was made for the limitation of working hours, in introducing changes in the Factory Act in the year 1905, the Government of India were unable to pass the Bill, or perhaps they were unwilling to pass it. At any rate the Bill was not passed. But subsequently, in spite of the advice of the Factory Commission to the effect that no such limitation should be made—their advice being :

“ We are strongly opposed to any direct limitation of adult working hours, because we consider that there is no necessity for the adoption of this drastic course, because we are convinced that it would cause the greatest inconvenience to existing industries, most of which have never worked long hours, and because we think that such a measure would seriously hamper the growth of industrial enterprise.”

That is what the Commission said, and most of the members who represented the Bombay cotton mills strongly opposed the limitation of working hours of the operatives in their factories. But in spite of that, Sir, the then Government were more influenced by the humanitarian point of view than the industrial point of view. On the advice of the late Mr. Harvey, the Government of India said they “ were unable to accept the recommendation of the Factory Commission that an indirect method should be adopted for obtaining a limit to the working hours of factories.” After throwing out the recommendation of the Commission, in the Act XII of 1911, it was enacted that, no woman shall be employed in any factory for more than eleven hours in any one day. No child shall be employed in any textile factory for more than six hours in any one day. And no person shall be employed in any textile factory for more than twelve hours in any one day.” Have we not then proceeded any further since the year 1911? Mr. Joshi has asked for the enunciation of a principle admitting the utility and the necessity of restricting hours of labour. We have it already in the Factory Act. It is bad enough that women are allowed to work in mines ; it is bad enough that they are allowed to sleep underground ; but now Government says that the industry would be ruined if we do not sacrifice these men and permit them to be employed for over 11 hours

a day. Of course it is easy to see that it would not be their policy to overwork them ; but these are people whose interests ought to be protected by others who know better. It is opposed to human nature for any person to work above or below ground for more than 11 hours a day. Is it not therefore the business of the Government in introducing such a Bill to limit the hours of work to even eleven hours a day? I therefore strongly support the Honourable Mr. Joshi's amendment and I hope the House will unanimously agree to that small modicum of mercy meted out to these unfortunate people in order to improve their condition.

**Mr. B. S. Kamat** (Bombay, Central Division : Non-Muhammadan Rural); Sir, I believe the quotation which my friend, Mr. Raju, gave the House is likely to mislead the House, as quotations very often do. The quotation had reference only to factory labour, which is much more organized, where the hours of work are under the control both of the Manager and probably of Government. With regard to mine labour, the whole question, as the Honourable Mr. Innes has told us, is working and cutting the coal by results. That is the most differentiating factor between the two. The work-

12 NOON.

man in the mines works voluntarily for certain hours just as it suits him to produce a particular quantity of coal in a particular quantity of time by piece work. I have no practical experience, I must admit, of mines, but if it is pardonable to give my practical experience of stone quarries, in which matter I think I have some experience (as I own lime stone quarries of a considerable extent which furnish the stone to a large province, and have had experience extending over some years), I think it would be pardonable if I give my own experience regarding the habits of the people and what they themselves like. Now, I have seen a large number of workmen preferring of their own will and accord to come for work, especially during the hot summer months, not according to the regulated hours but even so early in the morning as 4 o'clock, because it is cool, and go on working from 4 o'clock in the morning say till 12 or 1 or 2 o'clock, as long as they like ; not that they work continuously during that time, but they work, for instance say for one hour, then take rest, then continue to work for two hours, again take rest, then continue to work for another hour and then take rest until they earn enough for the day. Now, when I tried to induce them to give up that habit and to regulate the hours both in their interests, in the interests of their health and in our interest for the sake of supervision, I believe, they did not like it. Now, I recognise, as my friend, Mr. Joshi, says, that there should be a daily limit introduced sooner or later. In the abstract I do know that that will be to the interest of the workmen and to the interest of the industry. But as the Honourable Mr. Innes has rightly pointed out, we are now passing legislation which is of a transitional character, and while on the one hand we must not be carried away by purely academic considerations, on the other hand we must also see that in our enthusiasm for regulating labour we do not throttle industries which are for the benefit of the community at large. I



therefore think that those of us who have the interests both of the industry and of the labour at heart should not support Mr. Joshi's amendment, howsoever good it may be in the abstract. Mr. Joshi brings to bear upon his discussions, no doubt, a close study of the question of the labour problem, but a study more or less from the academic point of view. I do wish really that he should add to his study a practical experiment, actual experience of handling workmen, even half a dozen workmen for half a dozen weeks, so that he may really see their mentality, what they themselves like and what is to their own real interest and convenience. Looking at it from this point of view, therefore, and the transitional character of this problem, on the whole I think it would not be practicable at this particular stage to introduce a daily time limit.

**Munshi Iswar Saran** (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I do not own a mine, nor have I ever had the privilege of working in a mine, either underground or above-ground. As the House is aware, I do not represent, as my friend, Mr. Joshi, is supposed to represent, the working classes, but at the same time I wish to say that I do not feel greatly interested in the mine owners either. My object is to see what is really in the interest of the country as a whole. Before I proceed, Sir, I wish to express my wholehearted agreement with the Honourable Mr. Innes in his statement that there are some very progressive changes introduced into the Bill which Government has placed before us. Mr. Innes has taken Mr. Joshi very politely and very kindly to task, because he has had no experience of mines. If I am not very much mistaken, it was John Bright who once speaking in the House of Commons said that on one occasion he had ventured to express some opinion about America without having ever visited that country and he was at once met by people like Mr. Innes who said 'Oh, you have not been to America; how dare you express an opinion about it.' But it so happened that subsequently John Bright's opinion was found to be correct and the opinions of all those who had been to America, not once but twice or thrice, proved to be wrong. Mr. Innes has been to these mines and Mr. Chatterjee,—whose ability and whose eminence I gladly acknowledge—as a child has lived round about the mines and has therefore come into touch with the mine owners. (*A Voice*:—"Mine workers"). Mine workers, yes, that is still worse. Mr. Chatterjee, as I have said, is one of those distinguished Indians of whom we are proud; but if Mr. Innes' description of Mr. Chatterjee is correct, Mr. Chatterjee must have been a very precocious and abnormal child. Mr. Bray says he was; most certainly. Sir, we are told, to use Mr. Innes' words, that coal is the life-blood of our industry. Is it therefore necessary that the life-blood of human beings should be sacrificed in order that the life-blood of our industry should be kept up? We are told that Mr. Joshi's proposal is premature, that it will lead to numerous prosecutions and it will lead to the disorganization of labour. All that may be true and I am not in a position to contradict these statements because I have

no intimate knowledge of the working of these mines. But looking at the question perhaps from a point of view of more or less detachment, I wish to ask, Sir, the House to consider in all seriousness whether we shall allow these people to work for more than eleven hours a day. Is it in the interest of their health, is it in the interest or the well-being of that class, which, unfortunately, is to work underground? My friend, Mr. Sircar, says that he will be delighted if these people work for 8 hours. Where, then, I ask, is the difficulty? Why not then introduce a rule that no labourer will be allowed to work for more than eleven hours a day? It is said that this question is academic and so on. Sir, this word academic is a very vague word. I think this question is intensely practical, it is intensely human. I am addressing you as an Indian, not in any special manner interested either in the workers or the owners but as one interested in the well-being of the country as a whole. Call me a visionary or whatever else you will. Strong words do not break any bones. I say industry or no industry, these people should not be allowed to work for more than eleven hours, and if they are willing to work for more than 11 hours as indeed many of them may be, they have to be saved against themselves. This is the need for this legislation. It is said that you must think of your industry; most certainly. There is no enlightened Indian who is not anxious that industries should make progress in India. But, Sir, the industry exists for the people and the people do not exist for the industry. These are the considerations, Sir, why I think that the House should accept Mr. Joshi's amendment.

Mr. Joshi in his anxiety made one unfortunate remark, and it is this. He said "I do not mind even if you make it 12 hours provided I am able to enforce this principle". I entirely dissent from that view. I do not care, Sir, in the least whether this principle or that principle is enforced or accepted. What I am most anxious about is that human beings should not be treated as beasts or, at any rate, they should not be allowed even if they so choose to work as beasts.

**The Honourable Mr. A. C. Chatterjee** (Education Member): Sir, after the perfervid oratory of my Honourable friend, Munshi Iswar Saran, I feel a certain amount of diffidence in addressing the House. I am in entire agreement with the oracular sentiments that he has placed before the House. I entirely agree that we should look at this question in the interests of the country as a whole. I also agree, Sir,—and I believe I have mentioned this before in this House—that industries exist for the people and the people do not exist for industries. But, Sir, unfortunately my Honourable friend has completely lost sight of, or perhaps he had never any knowledge of, the actual conditions of the people in those parts of the country where mostly mines are to be found. Therefore, Sir, in his love or admiration for abstract principles he has forgotten the actual application of those principles. It is on behalf of the miners themselves, Sir, that I would resist the amendment proposed by my

Honourable friend, Mr. Joshi. I do not remember whether Mr. Sircar had explained that there were really two classes of workers in these mines. There are a number of wholetime workers, people who come from distant districts and provinces, but a very large proportion of the workers are recruited from the neighbouring villages. When I say neighbouring villages, I mean villages within a radius of about 10 miles of the mine. My friend, Mr. Joshi, tried to make capital of the fact that the owners of the mines did not provide dwellings for these workers and therefore they had to come all this long distance. Mr. Sircar has stated that there are enough dwellings. Personally, Sir, I should be extremely sorry to see all those villagers congregated round the mines, for in that case their conditions will become almost as miserable as of those workers who live in *chawls* in Bombay and Ahmedabad. I would much rather, Sir, that the present system did continue and these people lived comfortably and happily in their homes and came to the mines to add to their livelihood and went back to their homes getting a little bit of the sun and a little bit of the rain of Bengal as well. It is really in order to protect this class of workers from hardship and suffering that Government decided not to introduce at once the principle of a daily limit of work. If that principle is introduced, this class of workers will be entirely deprived of work in the mines. As Mr. Sircar has already explained, they work in the villages on their own fields or on the fields of their neighbours. They come to the mines, walk these 10 miles, arrive at the mines, work for two, three or four days and go back to their villages. They do not want all this regulation of 11 hours inside the mine and then a number of hours outside on the surface to be spent in those wretched *dowras* that exist all round the mines. These *dowras* are much better, I admit, than the *chawls* of Bombay; they may be better even than the quarters provided for labourers in jute mills, but certainly they are not as comfortable or as private as their own homes. They want to go back to their homes; why should you deprive them of those facilities? It is all very well to say that no man should work for more than 11 hours a day. I would certainly endorse that principle if a man is going to work 11 hours a day every day for six days in the week and for 365 days in the year. But when a man works only for two or three days and then takes complete rest, if he works even more than 11 hours a day, I do not think it really hurts his health. I am as anxious to see our workers healthy and comfortable as Mr. Joshi, but I think that he drives what he calls his principles too hard indeed. As a matter of fact, the miners do not work 11 hours a day at a stretch. As Mr. Sircar has explained, they go down the mine, they do a certain amount of work, and then rest and come up for food and drink. In these circumstances, it would be absolutely impossible at the present moment to bind them to a definite shift system; it would be extremely hard on these miners themselves, and I beg the House not to accept this amendment in the interests of the miners themselves.

**Mr. President:** Amendment moved :

" That to clause 23 the following sub-clause be added :

' (d) for more than 11 hours in a day'."

The question is that that amendment be made.  
The Assembly then divided as follows:

## AYES—29.

Abdul Rahman, Munshi.  
Abdulla, Mr. S. M.  
Agnihotri, Mr. K. B. L.  
Ahmed, Mr. K.  
Ahsan Khan, Mr. M.  
Asad Ali, Mr.  
Asjad-ul-lah, Maulvi Miyan.  
Ayyar, Mr. T. V. Seshagiri.  
Bagde, Mr. K. G.  
Basu, Mr. J. N.  
Bhargava, Pandit J. L.  
Chaudhuri, Mr. J.  
Cotelingam, Mr. J. P.  
Gajjan Singh, Sardar Bahadur.  
Ginwala, Mr. P. P.

Gulab Singh, Sardar.  
Hussanally, Mr. W. M.  
Iswar Saran, Munshi.  
Jatkar, Mr. B. H. R.  
Joshi, Mr. N. M.  
Latthe, Mr. A. B.  
Mahadeo Prasad, Munshi.  
Misra, Mr. B. N.  
Nag, Mr. G. O.  
Reddi, Mr. M. K.  
Sarfaraz Hussain Khan, Mr.  
Sohan Lal, Mr. Bakshi.  
Venkatapatiraju, Mr. B.  
Zahiruddin Ahmed, Mr.

## NOES—44.

Abdul Quadir, Maulvi.  
Abdul Rahim Khan, Mr.  
Allen, Mr. B. C.  
Barua, Mr. D. C.  
Blackett, Sir Basil.  
Bray, Mr. Denys.  
Burdon, Mr. E.  
Cabell, Mr. W. H. L.  
•Chatterjee, Mr. A. C.  
Dalal, Sardar B. A.  
Davies, Mr. R. W.  
Faridoonji, Mr. R.  
Haigh, Mr. P. B.  
Hailey, the Honourable Sir Malcolm.  
Holme, Mr. H. E.  
Hullah, Mr. J.  
Innes, the Honourable Mr. C. A.  
Jamnadas Dwarkadas, Mr.  
Kamat, Mr. B. S.  
Ley, Mr. A. H.  
Lindsay, Mr. Darcy.  
Mitter, Mr. K. N.

Moir, Mr. T. E.  
Moncrieff Smith, Sir Henry.  
Muhammad Hussain, Mr. T.  
Muhammad Ismail, Mr. S.  
Mukherjee, Mr. J. N.  
Nabi Hadi, Mr. S. M.  
Nayar, Mr. K. M.  
Percival, Mr. P. E.  
Pyari Lal, Mr.  
Ramayya Pantulu, Mr. J.  
Rangachariar, Mr. T.  
Samarth, Mr. N. M.  
Sarvadhikary, Sir Deva Prasad.  
Sassoon, Capt. E. V.  
Sen, Mr. N. K.  
Singh, Mr. S. N.  
Sinha, Babu L. P.  
Sircar, Mr. N. C.  
Spence, Mr. R. A.  
Tonkinson, Mr. H.  
Webb, Sir Montagu.  
Willson, Mr. W. S. J.

The motion was negatived.

**Mr. N. M. Joshi:** Sir I beg to move the following amendment:

"That to clause 28 the following sub-clause be added:

'(e) for more than six hours continuously without a period of an hour for meals'."

Sir, this is again a proposal for limiting the hours of work to some extent, and allowing a period for rest and for meals. Sir, it may be said that this is again a proposal for disturbing the coal industry or throttling the coal industry. Sir, this argument of danger to industry has always been brought forward not only on this occasion—but on all occasions when there have been proposals for limiting the hours of work. Was not the same argument of the industry being in danger brought forward when the hours of work in factories were limited? I do not see that there is any danger to the coal industry simply because we try by Statute to give an hour for meals for the workmen. As a matter of fact, I have mentioned

before that in India there is no dearth of cheap labour. We have enough labour and more than we want and we send out our labour. It is these very provinces of Bihar and the United provinces that send men to distant parts, it is these very provinces that send men to Fiji and British Guiana, thousands of miles away from their homes. Therefore, if any people say that the coal industry will be ruined by not getting sufficient labour, they are simply deceiving the whole world.

Sir, my friend, Mr. Chatterjee, said these people belong to the villages and he does not want villages to be broken up. He has my sympathies. I do not want the villages to be broken up. It is for that reason that I wanted limited hours of work. As a matter of fact, it is the growth of these industries that has broken up these villages and not any proposals which I have been making. Then, Sir, it was said that, when I make these proposals, I only look to the interest of labour. Sir, I deny that charge. I do not interpret my duty in that narrow spirit. Whenever I have advocated any proposals for the amelioration of labour, I have advocated it because I thought it was in the interest of the country as a whole.

**Mr. President :** I cannot allow the Honourable Member to revive a discussion which we have just had for an hour and a half on the other amendment. He must adhere strictly to the proposal that no one shall work for more than six hours continuously without a period for meals : from the point of view of the Chair the important word in that amendment is "meals."

**Mr. N. M. Joshi :** I bow to your decision, Sir. Sir, the proposal is that people working in mines should not be allowed to work continuously for more than six hours without our giving them an hour for meals in the interval. As the House has accepted that these people may go on working up to 18 hours a day, I hope the House will have some mercy upon these people and give them an hour for meals. Sir, Members of this House are very kind-hearted. It has been said that the employers who are represented here in large numbers are very kind-hearted. Sir, shall I be straining their quality of mercy too much if I ask them to give an hour to these people for their meals? I hope, therefore, that these people in the kindness of their hearts will accept my amendment.

**The Honourable Mr. C. A. Innes :** Sir, I cannot think that my Honourable friend, Mr. Joshi, means this amendment to be treated very seriously. I think, Sir, that his object in moving the amendment was to do what you did not allow him to do, namely, to get in his reply to the speeches on the last amendment. I would point out to the House that it has just rejected the principle of the daily limit of hours, and that being so, what is the necessity or the use of trying to impose a rest period for meals? Let me point out to the House, as I have pointed out before, that there are no fixed hours for these miners. They come when they like, they are paid by the results, and they break off when they like. If they want a rest

period for meals or for any other purpose, they can have it any time they please. That being so, there is no reason at all for this House to impose a statutory obligation that a rest period should be given.

The motion was negatived.

Clauses 23, 24 and 25 were added to the Bill.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) : Sir, clause 26 runs as follows :

“No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.”

My amendment is :

“To omit the words ‘be employed in a mine, or’.”

This will mean that a child can be employed above ground in the mining work. “No child shall be employed in a mine.” Here “mine” must mean above ground as well as under ground. The other part of the clause is “or be allowed to be present in any part of a mine which is below ground”. The phrase “which is below ground” qualifies only “or be allowed to be present in any part of a mine.” If the construction of the clause is that no child shall be employed or shall be allowed to be present in any part of a mine which is below ground, I have no objection. But my point is that a child should be allowed to work above ground. The construction of this clause as it is, is that no child shall be employed in a mine. I submit it is rather injurious to the labouring class. My proposal is that the words “be employed in a mine” should be omitted from this clause. This will give an advantage. We have defined a “child” to be one under the age of 13. We are aware that these labourers always have children and the children always assist their parents in their work. The Honourable Mr. Innes has already said, and we all very well know, that it is the poor agriculturist class that comes for this labour, and we know that in poor agriculturist families, the children always help their parents in their work. If they have children of 6, 7, 8 or 12 or 13 years of age, they help their parents in the fields. They accompany them to the fields and help them there. They may not go under ground, but they can work above ground and help their parents similarly. They can carry the baskets of coal. They can do some minor work which is not very hard, and they can earn some money in that way. Children of poor labourers very often never see schools. We, rich people, who send our children to school cannot expect these labourers to send their children to any boarding schools or even to any primary schools. They always work jointly with their parents. If we keep them from labouring even above ground or doing some work near about the mine, it will mean not only loss of their earning to the family, but it will also mean that the parents will have to provide for their children and maintain them. Not only that. The children will ruin their own career, because they are not accustomed to go to school, they naturally waste their time in playing, they will not be of any

use in future to themselves or to the family. They won't get used to work. In England even a cobbler's son or a shoe-maker's son can become a Prime Minister, and any poor man or a man of the labouring class can occupy very high positions. That is not so with Indian labourers. You cannot expect from this poor labouring class to get men who will get so much educated or who will rise so much above their class that they can occupy any high position in life. Generally these people continue to be labourers. We know very well how our caste system is working and we know that in India a peasant is always a peasant, a Brahman is always a Brahman, a blacksmith is always a blacksmith.

**Mr. President :** Order, order. Caste has nothing to do with the employment of children in mines.

**Mr. B. N. Misra :** I am simply showing the analogy. The labourers who work in a mine cannot suddenly turn so rich and earn so much money that they can afford to send their children to schools. If the words I propose are omitted, the children will be given an opportunity of working near about the mine and they will earn a livelihood, and will help their parents and also learn how to work so that when they grow up, they can work in the mines or even elsewhere. In these circumstances, I submit that this Honourable House will accept the amendment. If my amendment is accepted, the objection on the part of the mine owners that they will lose labour and the industry will be ruined for want of labour will not hold good and the people will be allowed to work as much as they can above ground. With these words, Sir, I move my amendment, which runs as follows :

“ In clause 26, the words ‘ be employed in a mine , or ’ be, omitted.”

The motion was negatived.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that :

“ In clause 26, omit all words commencing from ‘ or be allowed ’ to ‘ ground ’.”

The effect of my amendment will be, Sir, that the prohibition about the presence of children in the mines will go away. The clause as it stands in the Bill provides not only that the children be not employed in the mine but it also provides that they should not be present or allowed to be present in any part of the mine which is underground. Sir, I subscribe to the principle that children should not be made to work in the mine. I also subscribe to the principle that they should not be allowed to be present underground in the mine. But, Sir, if we look to the consequences, we find that this will lead to much obstruction in the working of the mines. This will result in driving away the women from the work. I do realise that the Government have expressed their intention and desire and they have adopted it as their principle that women should not be employed in the mines. But looking to the practical side of the thing I cannot say how far that will be desirable,—I mean industrially, and not from the humanitarian point of view or from the point of view of health. Work in a mine, Sir, is generally on a family system. Where a man is required

to cut coal, the woman is required to carry and take it away. In some places and on some occasions, if a man has not got his wife, he has to employ other women to do the work,—to carry away the coal cut by him. Sir, those who are acquainted with the system of work that prevails in the part of the country from which these labourers are imported will find that most of the work is left to the women and less to the men. (*A Voice*: “Shame.”) It may be a matter of shame, but it has been done for ages and continues to be done in that way. The Honourable Mr. Chatterjee will be surprised to hear that in certain backward parts of certain provinces women give birth to a child and immediately after that, take away the child and walk for miles together. That will show how hardy those women are. My object is this, that we should not encourage the employment of women in mines so far as possible, but if you were to stop it for some years before the public opinion amongst those people has developed, the result would be that there will be a shortage of labour in the mines and other industrial centres. A man would not like to go away leaving his family at home, because probably the wages may not be attractive for him, and if we make the wages attractive, that will injure the industries a great deal. Therefore, it will be necessary to employ women in the mines and I suggest that it will be much better and more desirable that this provision making it penal for children to be in the mines be deleted. With these words I commend my amendment to the House.

**The Honourable Mr. C. A. Innes**: The effect of Mr. Agnihotri's amendment, if it is accepted, will be that there will be no prohibition against a child being taken down a mine as long as he is not employed underground. Now, Sir, quite deliberately the Government have included in the Bill this clause. Quite deliberately we have decided that the Bill should take a step towards the prohibition of the employment of women below ground in mines. Quite deliberately we have arrived at the conclusion that it is not right that small children, very small children, should be taken down by their mothers into the mines and left in the mines when their mothers are working there.

This question of the employment of women in mines has a very old history. As far back as the nineties, we were warned by the Secretary of State that it would be wise in the infancy of coal mining to prohibit at once the employment of women in mines. Unfortunately, we did not take the step then. The Secretary of State warned us that the longer we delayed that step the more difficult it would become, and that is exactly the position that we are now in. There are 250,000 miners in India and not less than 90,000 are women. There are 170,000 miners on an average on the coal mines and 50,000 are women. I do not agree with what Mr. Joshi said yesterday that it will be an easy matter to replace those women. On the contrary, it will be a difficult matter, but I do hold that sooner or later, we have to face this problem of the employment of women in coal mines. As the Joint Committee has recommended, we shall take up with the Local Governments



the idea of enforcing prohibition within a specified time. In the meantime, we propose to take this small step. We propose not to allow small babies or children to be taken down mines. We quite recognise that the result may be that some women will not go down the mines at all, and there may be a diminution in woman labour; but at the same time, after full consideration with the Chief Inspector of mines, with mine managers in the coal fields, and finally in the Joint Committee, we have decided that it is right to face that risk and to take this step, and this being so, I hope that the House will not accept the amendment.

The motion was negatived.

**Mr. President :** The question is that clause 26 do stand part of the Bill.

**Mr. N. C. Sircar :** I have got an amendment as regards clause 26, that is, to delete the clause.

**Mr. President :** Does the Honourable Member want to speak on it ?

**Mr. N. C. Sircar :** Yes. I rise to speak but I am not a speaker, and I do not know if my speech will influence the Honourable Members to come to my side and vote for me—the Honourable Mr. Innes, the Member for Commerce, being on the one side, and Mr. Joshi, who represents the Labour Party, on the other side to oppose me. Yet I must speak, because I owe an obligation to the Indian Mining Federation of which I am the unworthy President, and which Federation represents 40 per cent. of the Indian coal mining interests and 300 members, quite a big army to fight the Honourable Member for Commerce in order to exact their dues. Sir, I was associated with the Joint Select Committee appointed to consider this Bill and I did my duty with what you know is the give and take system, but in one particular point, I could not agree with the Committee Members and I was obliged to sound a note of dissent, and the point where I could not agree with them is clause 26 coupled with sub-clause (1) of clause 46, which indirectly contemplate dealing a death-blow to the coal industry, and I am going to explain how. The object in view of prohibiting children from going down the mines is, indeed, a laudable one and I am at one with my Labour friends that this should be done, but not at once. The idea underlying this proposal, as has just been explained by the Honourable Mr. Innes, is what we are afraid of. It indirectly contemplates prohibiting female labour from going down the mines, as has already been apprehended, and justly apprehended by the Honourable Member for Commerce. Sir, it is the practice in the coal mines that women when they go down the mines, take their little babies underground, they keep them covered with their clothes in a basket and they go to work with their husbands, and the women thus have an opportunity of watching them there and taking care of them instead of leaving them on the surface with nobody to take care of them. I do not object to the prohibition of the employment and presence of children in the

mines who are between the ages of 8 and 13, but what I object to is the prohibition of the presence of infant children in the mines, my reason being that the mothers can take care of the children. It is reported by the Joint Committee and it has been just said by the Honourable Mr. Innes that there are ninety thousand women working in the coal mines, of which a fair estimate can be made that about 60,000 work below the mines, and then again of these 60,000, a large number must be mothers and if they are prevented from taking their infant children down the mines it will mean that these women may not go down the mines and we will lose a very large quantity of output. A further danger is that these women work in the mines as partners to their husbands. The husband cuts the coal and the wife carries the coal and fills the basket. She is practically the partner of the husband in working in the mines. If the woman is thus deprived of taking her infant child down the mine, the woman would not go down and most likely the husband would not go down also. He will say "Why should I go and work alone below. I would rather take some work on the surface where I can work with my wife and earn a better wage. Now, Sir, what would be the consequence? We will be losing a large quantity of labour of women and most possibly of men also. The output will go down very very considerably. It must be vivid in the mind of everybody what was the consequence in 1921 of a short output. The Government had to buy about 10 lakhs of tons of coal from foreign countries and at a price Rs. 20 above that which was obtaining here then. It meant a loss of about 2 crores of rupees to the country. As I have said, I do not object to the principle of prohibiting children from going down. There is in the Committee's report that Government is contemplating the prohibition of women from going down the mines and it is in the contemplation of the Committee to recommend a period of five years after which that prohibition is to come into force. As I say I do not object to the principle. I am at one with the Honourable Mr. Innes and I am at one with the Honourable Mr. Joshi. What I want in the interests of the coal trade is that time must be given to adapt the collieries to the change, so that the output may not considerably go down. With these remarks I propose that clause 26 be deleted.

**The Honourable Mr. C. A. Innes:** My Honourable friend Mr. Sircar began by making an appeal *ad miseri cordiam* that he was not a speaker. We have all heard his speech and I think that we can assure him that he was unduly diffident about his powers. The trouble about Mr. Sircar's amendment here is that it goes a great deal further than he intended. He wishes to take clause 26 entirely out of the Bill and merely to reserve power to the Government of India to restrict or prohibit the employment of children in mines by the rule making power. That is to say, the Honourable Member wishes to place us in exactly the same position as we are in the existing Bill. He wishes to remove all our proposed restrictions on the employment of children. We are bound by the Washington Conference not to allow children to be

employed in mines, even as we are bound not to allow them to be employed in factories. That is one reason why I say that the Honourable Member's amendment goes too far. But, Sir, he has explained that he entirely agrees in principle that we should take this step sooner or later towards the prohibition of the employment of women. All he asks for is a little longer time. We discussed this point very carefully in the Joint Committee and eventually we came to the conclusion that if we provided that this Bill should come into force in July 1924 we should give the mining industry sufficient notice. It must be remembered that one-half of the mining industry has accepted this clause without any complaint at all. It must also be remembered that in many mines in the coal fields even now small children are not allowed to be taken down. I have just been reading a report on labour in the coal fields and in that report it is said that where the entrance to a mine is by shaft even now children are prohibited from being taken down that mine. All we propose to do is to extend that prohibition to all mines, whether they are approached by inclines or whether they are entered by means of shafts. I think, Sir, that the House will agree with me that we must take this step and that 18 months is long enough notice to the mine owners interested, especially as half the mine owners have agreed to the clause.

**Mr. President:** The question is that clause 26 do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clause 27 as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clause 28, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** I understand from the Honourable Member that the amendment he proposes to move to clause 29 is really consequential, including the proviso at the end.

**Mr. N. C. Sircar:** That has been already disposed of by my amendment to clause 26.

**Mr. President:** The question is that clause 29, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clause 30, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clause 31, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clause 32, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clauses 33, 34, 35, 36, 37, 38, 39 and 40, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clauses 41, 42 and 43, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** The question is that clauses 44 and 45, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

**Mr. President:** Clause 46. Mr. Sircar.

**Mr. N. C. Sircar:** Sir, it is consequential on clause 26 and since my amendment to clause 26 was lost, I do not want to move this.

1 P.M.

Clauses 46 to 50 were added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr. C. A. Innes:** I move, Sir, that the Bill, as amended, be passed.

**Mr. President:** The question is that the Indian Mines Bill, as amended, be passed.

The motion was adopted.

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*Council of State Debates on the Bill to amend and consolidate the Law relating to the Regulation and Inspection of Mines*

*15th February 1923*

## THE INDIAN MINES BILL

**The HONOURABLE MR. D. T. CHADWICK** (Commerce Secretary) : Sir, I beg to move :

“That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be taken into consideration.”

Sir, this is a very necessary piece of legislation which I bring to the notice of the House to-day. The Mines Act prescribing the rules and conditions under which mines are worked in this country dates from 1901 and is therefore already 22 years old. It is inevitable that such an old Act would not be in consonance with the changes that have been introduced by the Reforms Scheme. Under the Reforms Scheme and the Devolution Rules, the regulation of mines is a Central subject. The first object, therefore, of this Bill is to define the spheres of activity of the Central and Provincial Governments in regard to mines and the necessary conditions about the

working of mines. Those spheres of activity have been discussed with the Local Governments and all are agreed upon them. The Bill reserves to the Central Government all technical questions connected with the conditions of working in mines and leaves with the Central Government the responsibility of laying down those technical conditions which must be complied with as well as the appointment of Inspectors to see that those technical conditions are observed. To the Local Government it leaves all questions connected, of a purely administrative nature, such as the holding of inquiries. The House, Sir, I think, will agree that this division of spheres of responsibility is logical. It is also in consonance with the Devolution Rules. It is necessary to give legal effect to it. Therefore, that is the first object of the Bill which is brought for your consideration to-day. The second main object is that we may honour certain obligations and undertakings which have been given by this House. The House will remember that it accepted certain Conventions that were passed at the Washington and Geneva International Labour Conferences undertaking to regulate and control the employment of women and children in industries. This Bill gives legal sanction to that undertaking which the House then gave. For these two reasons, therefore, I think the House will agree that this is a very necessary piece of legislation. Its technical portions have been examined in detail by all the mining provinces and also by a Joint Select Committee. For the two reasons I have given I now commend it for the consideration of the House.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I welcome this Bill as a measure of social reform legislation to ameliorate the condition of labour in this country. The Bill was thoroughly examined by the Joint Committee which was presided over by my Honourable friend the Member for Commerce and Industry, and it has been made clear in the report that we kept before us prominently two main conditions. One was that we should provide for inspection in such a way that the lives of the labourers would be as safe as we possibly could make it. The main object, Sir, of this Bill is to prevent, as far as it lies in human power, accidents and to protect human lives. The second object was to come in line with the other countries in the world as regards labour conditions and not to allow the lives of young children to be made unhealthy or to be spoilt by living continuously underground. These are the two main items which we kept before us at the time of the meeting of the Joint Committee and the Honourable Members will see that the clauses of the Bill provide for both these items. A third subject which was carefully considered but for which they thought that the country was not yet quite ripe was the question of allowing woman labour to go below the mines. Although some of us were of opinion that we should take action at once and prevent woman labour from going down, it was thought by the majority that in view of the fact that about 36 per cent. of the mining population are womankind, it was necessary to go slow. Instead therefore of making any statutory provision that after a few number of years women will not be allowed to go below the mines,

we have thought it best to leave the matter open and we have said in the report that it would be advisable for the Government of India to make inquiries from Local Governments, and then, when the proper time comes—I hope it will be as early as possible—to legislate again to prevent women from going below the mines. For these reasons, Sir, I welcome the Bill as a very useful piece of social legislation.

The HONOURABLE MR. C. A. INNES (Commerce and Industries Member) : Sir, I have very little to add to the very clear exposition of the objects of this Bill which has been given by my Honourable friend Mr. Chadwick and by my Honourable friend Mr. Lalubhai Samaldas. Mr. Chadwick has explained quite clearly what the main object of the Bill is. It has been necessitated by the introduction of the Reforms Scheme. Under the Devolution Rules the regulation of mines is a Central subject, and therefore we have had to introduce this Bill in order to define what the responsibilities of the Central Government in regard to mines are as opposed to the responsibilities of the Local Governments. Probably the clauses of the Bill which will attract the most attention are those clauses to which the Honourable Mr. Lalubhai Samaldas has drawn our attention, namely, the clauses relating to the employment of labour. This is an extremely difficult and an extremely controversial subject. Some Members of this Council may think that the Government of India have not gone far enough. We, in the Government of India, are possibly inclined to doubt whether we have not gone a little too far. We have done our best in the first place to carry out our obligations under the International Labour Conference conventions, and that is the reason why we have prescribed in clause 23 of the Bill a weekly rest day and a weekly limit of hours of work. I am quite prepared to admit that as conditions are at present, that weekly limit, specially as regards underground labour, is not likely to make very much difference. We have prescribed a weekly limit of 54 hours. To the best of my belief miners in the Bengal and Bihar and Orissa coalfields do not work 54 hours a week, but the advantage of prescribing this limit is that we thereby gain recognition for the principle, and that principle may become very important if and when a system of daily shifts is introduced. I think I am correct in saying that there is no mine manager in the Bengal and Bihar and Orissa coalfields who does not look forward to the day when it will be possible to work labour below ground in the mines on a system of shifts. We have not thought it possible under the conditions that obtain in the coalfields at present to prescribe any daily limit of hours. We have made careful inquiries into that matter, not only with the Local Governments of Bengal and Bihar and Orissa but also in consultation with the mine managers actually in the fields. This question was investigated by a Committee which sat in 1920. That Committee pointed out that the main thing necessary in the fields was a system of shifts and a daily limit of hours, but their definite conclusion was that the time was premature to introduce this reform and we have had to acquiesce in that decision. Since

it is not possible to impose a daily limit of hours, I am quite free to admit that the regulations we propose or the provisions of the Bill which we put forward in regard to the employment of children are not entirely satisfactory. What we should have liked to have done would have been to prescribe that children under 12 should not be employed in a mine at all, either above ground or below ground, and to have enforced in respect of children between the ages of 12 and 15 a half-time system, but since a daily limit of hours is not possible, it follows that a half-time system is not possible, and that is why we have adopted a middle course. We have prescribed that children below the age of 13 should not be employed in mines, and I think the Council will agree in that conclusion. Work down mines, specially down coal mines, is I would not say unhealthy, but certainly it is unpleasant, and I think it is right that no children should be allowed to be employed down in the atmosphere which prevails in a deep coal mine. We have gone a step further than that. We have—and I may say I would not have agreed to this had I not been reinforced in my opinion by the views of many of the leading mine managers in the coalfields—we have gone as far as to prohibit even the presence of children in mines. That is a very serious step. It means that mothers may not take their young children down the mines. At present the system of working mines is a family system. The husband cuts the coal and his womankind put the coal which is cut into baskets and carry it to the tubs, the man being paid so much a tub. It is quite possible that this prohibition of taking any children down the mines may reduce the number of women who will go down those mines and that may be a very serious matter. But we have considered the point very carefully. We do not think it right that children, small babies, should be taken down into the atmosphere of these mines. We cannot think that it is in the interests of India as a whole that babies of this kind should spend a great part of their infant years in the atmosphere of coal mines. That is the first step towards a reform that must sooner or latter come, namely, the outright prohibition of the employment of women in mines. In England the prohibition against the employment of women in mines was issued as far back as the forties of the last century. It is only a question of time for a similar prohibition to come into force in India. Everybody will recognise that. As a matter of fact, in the nineties that point was put to us by the Secretary of State. It was put to us that it would be wise, when the coal mining industry was still in its infancy, at once to prohibit the employment of women down mines. The Secretary of State pointed out that the longer we put off this question the more difficult it would become, and that is our position to-day. Had we adopted that advice thirty years ago, I am quite sure that the coal mining industry would have been in a healthier position to-day. As it is, owing to the fact that there has been no prohibition of the employment of women, we are faced with a very serious situation, for about one-third of the underground population of the mines consists of women, and since the coal supplies of India are hardly equal to the demand for coal in India, the House will see what a serious step it would be immediately to cut off one-third

of the labour in the mines. That is why, when we discussed this matter in the Joint Committee, we decided that we must go slow, and that is why the Joint Committee, contented itself with making a recommendation that the Government of India should take up with the Local Governments concerned the question whether we could not impose a time limit within which the employment of women in mines should be prohibited. It was suggested that we should propose a time limit of five years. All I can say is that the Government will act most certainly on that recommendation of the Joint Committee. We shall most certainly consult the Local Governments whether, specially in coal mines, the prohibition of the employment of women should be enforced within the time I have mentioned. I think that is all that I need say. I have just tried to show that we have attempted to treat this very important problem of labour in mines properly. We have devoted very serious consideration to it and we have introduced into this Bill provisions which we think are suited to the conditions as they are at present. But those provisions I hope will be merely an earnest for a further advance in the near future.

**THE HONOURABLE THE PRESIDENT:** The question is :

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The Council will now proceed with the detailed consideration of the Bill. I reserve the Preamble as usual.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 1, 2 and 3 stand part of the Bill.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 4, 5, 6, 7, 8 and 9 stand part of the Bill.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 10, 11, 12 and 13 do stand part of the Bill.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 14, 15 and 16 do stand part of the Bill.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 17, 18, 19, 20, 21 and 22 do stand part of the Bill.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 23, 24, 25, 26, 27 and 28 do stand part of the Bill.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is that clauses 29, 30, 31, 32 and 33 do stand part of the Bill.



The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that clauses 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 do stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that clauses 45, 46, 47, 48, 49 and 50 do stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that the Schedule and the Preamble do stand part of the Bill.

The motion was adopted.

THE HONOURABLE MR. D. T. CHADWICK: Sir, I move:

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be passed."

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be passed."

The motion was adopted.

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## PART II

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COMPARISON OF THE INDIAN MINES ACT, 1923, AS AMENDED,  
WITH THE INDIAN MINES ACT, 1901, AS AMENDED

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*Statement comparing the Indian Mines Act, 1923 (as amended by the Repealing and Amending Act 1925) with the Indian Mines Act, 1901 (as amended by the Decentralisation Act, 1914, and the Repealing and Amending Act, 1914)*

*Note.*—Changes effected or innovations introduced by the new Act are shown in italics therein. The letter, word or words enclosed in square brackets in the text of the old Act are those which have either been omitted in framing the new Act or been replaced therein by a different letter, word or words effecting a change or introducing an innovation.

The Indian Mines Act, 1923 (as amended, by the Repealing and Amending Act, 1925).		The Indian Mines Act, 1901 (as amended by the Decentralisation Act, 1914, and the Repealing and Amending Act, 1914).	
Preamble		Preamble	
Whereas it is expedient to <i>amend and consolidate</i> the law relating to the regulation and inspection of mines; it is hereby enacted as follows :—		Whereas it is expedient to [provide for] the regulation and inspection of mines; it is hereby enacted as follows :—	
No. of section, sub-section, clause or sub-clause.	Section, sub-section, clause or sub-clause.	No. of section, sub-section, clause or sub-clause.	Section, sub-section, clause or sub-clause.
1	2	3	4
	CHAPTER I—PRELIMINARY		PRELIMINARY
1. (1)	This Act may be called the Indian Mines Act, 1923.	1. (1)	This Act may be called the Indian Mines Act [1901].
(2)	It extends to the whole of British India, including British Baluchistan and the Santhal Parganas.	(2)	It extends to the whole of British India, including British Baluchistan, the Santhal Parganas [and the Pargana of Spiti.]
(3)	<i>It shall come into force on the first day of July 1924.</i>		
2.	Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887.	2.	Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887.
3.	In this Act, unless there is anything repugnant in the subject or context—	3.	In this Act, unless there is anything repugnant in the subject or context—
(a)	“Agent” when used in relation to a mine, means any person appointed or <i>acting</i> as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act;	(a)	“Agent” when used in relation to a mine, means any person appointed as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act;

No. of section, sub-section, clause or sub-clause, 1	Section, sub-section, clause or sub-clause of the new Act, as amended. 2	No. of section, sub-section, clause or sub-clause. 3	Section, sub-section, clause or sub-clause of the old Act, as amended. 4
	CHAPTER I—PRELIMINARY— <i>contd.</i>		PRELIMINARY— <i>contd.</i>
	(b) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act:		
	(c) "child" means a person under the age of fifteen years	(b)	"child" means a person under

**Correction Memorandum No. 11 to the Mines Manual,  
Bombay [Revised (Second) Edition], 1927.**

**No. 60**

In the statement printed at page 97 insert, after clause (c), (cc) in column 1 and in column 2 against that clause insert the following :—

" 'District Magistrate' means, in a Presidency town, the person appointed by the Local Government to perform the duties of a District Magistrate under this Act in that town."

(Correction Memorandum No. 11.)

(f) "mine" means any excavation where any operation for the purpose of searching for or	(d)	"mine" [includes every shaft in the course of being sunk, and every level and inclined plane
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\* The scope of the definition is wide, but has been limited by the Notification of the Government of India, Department of Industries and Labour, No. M.—1051, dated 26th July 1924 (republished in Govt. Notfn. No. S.—18/6, dated the 29th *idem*), in which the Government of India have exercised their powers of exemption under section 46 of the new Act. Under the old Act, mines of stone and clay were exempted and all excavations less than twenty feet deep were also exempted. Under the new Act, mines of *kanker*, *murum*, laterite, gravel, sand, clay, fire clay, *kaolin* (China clay), stone, earth, Fuller's earth, hancite, slate and limestone are exempted, but only so long as they do not exceed twenty feet in depth and not more than fifty persons are employed therein at any one time. From this exemption, however, a number of mines are excluded, *e.g.*, certain limestone and slate mines. Certain mines are specifically exempted, *e.g.*, salt mines in the Kohat District. Prospecting operations are exempted, but under conditions. The effect of the changes is to increase considerably the number of mines under the new Act. *Vide* G. R. No. 1724/24, dated 11th September 1924.

No. of section, sub-section, clause or sub- clause.  1	Section, sub-section, clause or sub-clause of the new Act, as amended  2	No. of section, sub-section, clause or sub- clause.  3	Section, sub-section, clause or sub-clause of the old Act, as amended.  4
	<p>CHAPTER I.—PRELIMINARY— <i>contd.</i></p> <p><i>obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine :</i></p> <p><i>Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals ;</i></p> <p>(g) "owner" when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;</p>		<p>PRELIMINARY—<i>contd.</i></p> <p>in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mines; but it does not include any pit, quarry or other excavation* the depth of no part of which measured from the level of the adjacent ground exceeds twenty feet and no part of which extends beneath the superjacent ground];</p> <p>(e) "owner" when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, [and] does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;</p>

\* This covered the case of shallow open workings which were nowhere more than 20 feet deep and did not extend laterally below the superjacent ground. The last thirty-four words in the definition of "mine" were framed in order to bring within the purview of the Act shallow mines of coal and mica worked by means of galleries under the ground. Such mines were often dangerous to the workers, and required to be regulated. (G. I., R. & A., letter No. 13-45-1, dated 1st April 1901; G. R. No. 3230, dated 13th May 1901).

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p data-bbox="213 425 513 467">CHAPTER I—PRELIMINARY— <i>contd.</i></p> <p data-bbox="150 530 526 593">(h) "prescribed" means prescribed by <i>regulations</i>, rules or <i>bye-laws</i>.</p> <p data-bbox="150 656 526 987">(i) "<i>qualified medical practitioner</i>" means any person registered under the <i>Medical Act, 1858</i>, or any Act amending the same or under any Act of any Legis- lature in <i>British India</i> pro- viding for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the Local Govern- ment, by notification in the local official Gazette, to be a <i>qualified medical practitioner</i> for the purposes of this Act ;</p> <p data-bbox="150 1029 526 1113">(j) "<i>regulations</i>", "<i>rules</i>" and "<i>bye-laws</i>" mean respectively <i>regulations</i>, rules and <i>bye-laws</i> made under this Act ;</p> <p data-bbox="150 1155 526 1407">(k) "<i>Serious bodily injury</i>" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days ; and</p> <p data-bbox="150 1449 526 1533">(l) "<i>week</i>" means the period bet- ween midnight on Saturday night and midnight on the succeeding Saturday night.</p>		<p data-bbox="671 425 918 450">PRELIMINARY—<i>contd.</i></p> <p data-bbox="575 530 959 593">(f) "prescribed" means prescribed by rules made under this Act ; and</p> <p data-bbox="575 593 865 618">(g) ["shaft" includes pit.]</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p>CHAPTER II—INSPECTORS.</p> <p>4. (1) The Governor General in Council may, by notification in the <i>Gazette of India</i>, appoint a duly qualified person to be Chief Inspector of Mines for the whole of British India, and duly qualified persons to be <i>Inspectors of Mines subordinate to the Chief Inspector.</i></p> <p>(2) No person shall be <i>appointed</i> to be Chief Inspector or an Inspector, or, <i>having been appointed shall continue</i> to hold such office who is or becomes directly or indirectly interested in any mine or mining rights in India.</p>		<p>INSPECTORS.</p> <p>4. (1) The Governor General in Council [shall], by notification in the <i>Gazette of India</i>, appoint a duly qualified person to be Chief Inspector of Mines throughout British India.</p> <p>(2) The [Local Government may, with the previous sanction of the] Governor General in Council, by notification in the local official Gazette, appoint, persons, qualified by experience, to be Inspectors of Mines [within such local areas or for such groups or classes of mines as it may assign to them respectively.]</p> <p>(3) Every Inspector [of Mines] appointed under sub-section (2) shall, in the performance of his duties, be subordinate to the Chief Inspector of [Mines appointed under sub-section (1)] [in such respects and to such extent as may be prescribed by the Governor General in Council].</p> <p>(5) No Chief Inspector or Inspector [of Mines] shall [be] a partner or have any interest, direct or indirect, in any mine or mining rights in India.</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act. as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p style="text-align: center;"><b>CHAPTER II—INSPECTORS— contd.</b></p> <p>(3) The District Magistrate may exercise the powers and perform the duties of an Inspector <i>subject to</i> the general or special orders of the Local Government:</p> <p>Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32.</p> <p>(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.</p>		<p style="text-align: center;"><b>INSPECTORS—contd.</b></p> <p>5. * The District Magistrate may exercise such of the powers and perform such of the duties of [Mining Officers] [as] the Local Government may, by general or special order, direct:</p> <p>Provided that nothing in this section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section [15] or section [21.]</p> <p>4. (4) The Chief Inspector and every Inspector [of Mines appointed under this section] shall be deemed to be a public servant within the meaning of the Indian Penal Code, [and shall be subordinate to such authority as the Governor General in Council or the Local Government, as the case may be, may direct].†</p>

\* A Magistrate who was apparently acting in exercise of the powers conferred by section 5 of the Indian Mines Act, 1901, made an order, based upon a police report that continued working would be dangerous, stopping the working of a colliery. After the order had been in force for some time, it was discovered that only a very small portion of the mine was affected. The order was consequently withdrawn; but it had already occasioned considerable loss, and grave inconvenience to the proprietors of the mine.

The Government of India do not desire to curtail by the issue of executive instructions the powers conferred upon District Magistrates in respect of such matters by the Indian Mines Act, or by other laws. They are of opinion, however, that a reasonable discretion should be exercised in dealing with questions which are obviously of a technical character, and regarding which District Magistrates must frequently be unable to arrive at sound conclusions without the assistance of expert advice. They consider that when District Officers visit mines in their capacity of Inspectors under the Mines Act, they should confine their attention primarily to the investigation of social and sanitary questions. If, however, they notice any dangerous mining practice, or other irregularity of a technical character, they should draw the attention of the Chief Inspector or Inspectors of Mines to the subject in order that an investigation may be made by a trained Inspector. (G. I., C. & L., No. 1328-1333-187, dated 20th February 1906: G. R. No. 3676, dated 12th April 1906.)

† The Chief Inspector of Mines is placed under the general control of the Director of the Geological Survey of India, but is permitted to correspond direct with District Officers in matters requiring immediate official action in order to prevent danger to persons employed in mines, or on other sufficient grounds of urgency. (G. I., R. & A., No. 10-18, dated the 23rd August 1894; G. R. No. 7462, dated 7th September 1894.)



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1	2	3	4
	CHAPTER II—INSPECTORS— <i>contd.</i>		INSPECTORS— <i>contd.</i>
5. (1)	<i>The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.</i>		
6. (2)	The Inspector shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under sub-section (1) as to all regulations and rules which concern them respectively and as to the places where copies of such regulations and rules may be obtained.	4. (6)	[When rules are made under this Act], the Inspector [of Mines] shall give information to owners, agents and managers of mines within the local area, or the group or class of mines, for which he has been appointed as to any rules which concern them respectively, and as to the places where copies of such rules may be obtained.
6. (a)	The Chief Inspector and any Inspector may—  (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine ;  (b) with such assistants (if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine ;	6. (a)	The Chief Inspector [of Mines] may, [anywhere within British India,] and an Inspector of Mines may, [within the local area or with respect to the group or class of mines for which he is appointed]—  (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules and orders made thereunder are observed in the case of any mine ;  (b) enter, with such assistants (if any) as he thinks fit, inspect and examine any mine [and] any part thereof at [all] reasonable time [s] by day or by night, but not so as unreasonably to impede or obstruct the working of the mine ;

No. of section, s u b-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, s u b-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p>CHAPTER II—INSPECTORS— <i>contd.</i></p> <p>c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency, of the <i>bye-laws</i> for the time being in force <i>relating to</i> the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.</p> <p><i>Any person in the service of the Government duly authorised by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.</i></p>		<p>INSPECTORS—<i>contd.</i></p> <p>(c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the [special rules] for the time being in force; [in and at] the mine and all matters and things connected with or relating to the safety of the persons employed in [or about] the mine;</p> <p>[(d) order that any person shall not be employed in, or admitted to, or shall be removed from, a mine where there is ground for believing that his employment in or admission to or presence in such mine would be dangerous to himself or others; Provided that an appeal shall lie to such authority as the Governor General in Council or the Local Government, as the case may be, may direct from any order made under this clause, and that the order shall not be complied with until the decision of such authority shall be received at the mine];</p> <p>[ (e) do all other things required of him by or under this Act.]</p>

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1	2	3	4
	CHAPTER II—INSPECTORS— <i>contd.</i>		INSPECTORS— <i>contd.</i>
8.	Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector <i>and every person authorised under section 7</i> all reasonable facilities for making any entry, inspection, <i>survey, measurement,</i> examination or inquiry <i>under this Act.</i>	7.	Every owner, agent and manager of a mine shall furnish the Chief Inspector and every Inspector [of Mines] [on requisition] with the [means necessary for] making any entry, inspection, examination or inquiry [in relation to the working of the mine under] this Act.
9. (1)	All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the inspection of any mine under this Act or <i>acquired by any person authorised under section 7 in the exercise of his duties thereunder,</i> shall be regarded as confidential.	8. (1)	All copies of, and extracts from, registers or other records, appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector of Mines, or by any one assisting him, in the inspection of any mine under this Act, shall be regarded as [strictly] confidential.
(2)	If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1) discloses to any one, other than a Magistrate or an officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor General in Council or of the Local Government, he shall be guilty of a breach of official trust, and shall be punishable <i>with imprisonment for a term which may extend to one year, or with fine or with both*.</i>	(2)	If [any such] person discloses to any one, other than a Magistrate or an officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor General in Council or the Local Government [as the case may be], he shall be guilty of a breach of official trust, and shall be punishable [in the manner provided by section 4 of the Indian Official Secrets Act, 1889.]
(3)	No Court shall <i>proceed to the trial</i> of any offence under this section except on complaint made <i>by order of, or under authority from,</i> the Governor General in Council or the Local Government, or <i>made by a person aggrieved by the offence.</i>	(3)	No Court shall [take cognizance] of any offence under this section unless on a prosecution [at the instance of] the Governor General in Council or the Local Government, or [of] a person aggrieved by the [same].

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1	2	3	4
	CHAPTER III.—MINING BOARDS AND COMMITTEES.		MINING BOARDS AND COMMITTEES.
10. (1)	The Local Government may constitute for the province, or for any part of the province, or for any group or class of mines in the province, a Mining Board consisting of—	9. (1)	The Local Government may constitute for the Province, or for any part of the Province, or for any group or class of mines in the Province, a Mining Board* consisting of—
(a)	<i>a person in the service of the Government, not being the Chief Inspector or an Inspector, nominated by the Local Government to act as chairman ;</i>	(a)	a [public officer] not being the Chief Inspector or an Inspector [of Mines] nominated by the Local Government to act as chairman ;
(b)	the Chief Inspector or <i>an</i> Inspector ;	(b)	the Chief Inspector or [the] Inspector [of Mines] ;
(c)	<i>two persons, neither of whom shall be the Chief Inspector or an Inspector nominated by the Local Government, of whom one shall be a person qualified to represent the interests of persons employed in mines ;</i>	(c)	[one other] person, not being the Chief Inspector or an Inspector [of Mines] nominated by the Local Government ; and
(d)	two persons nominated by owners of mines or their representatives in such manner <i>as may be prescribed.</i>	(d)	two persons nominated by owners of mines or their representatives in such manner as [the Local Government may direct].
(2)	The chairman shall appoint a person to act as secretary to the Board.	(2)	The chairman shall appoint a person to act as secretary [of] the Board.
(3)	The Local Government may give directions as to the payment of travelling expenses incurred by the secretary or any member of any <i>such</i> Mining Board in the performance of his duty as such secretary or member.	(3)	The Local Government may give directions as to the payment of travelling expenses incurred by the [chairman,] secretary or any member of [a] Mining Board in the performance of his duty as such [chairman], secretary or member.

The Hon. Sir C. M. Rivaz made a statement in the Supreme Legislative Council on 22nd March 1901 that an Advisory Mining Board should be constituted in any Province in which mines other than Government mines existed and in which owners of such mines applied for the Board. It was the desire of the Government of India that this principle should be followed in giving effect to the Act. (G. I., R. & A., letter No. 13-45-1, dated 1st April 1901 : G. R. No. 3230, dated 13th May 1901.)

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1	2	3	4
	<p>CHAPTER III.—MINING BOARDS AND COMMITTEES—<i>contd.</i></p> <p>11. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—</p> <p>(a) a chairman nominated by the Local Government or by such officer or authority as the Local Government may <i>authorise in this behalf</i> ;</p> <p>(b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee ; and</p> <p>(c) <i>two</i> persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the <i>other</i> shall be nominated by the Local Government to represent the interests of the persons employed in the mine.</p> <p>(2) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a Committee appointed under this section.</p> <p>(3) Where an owner, agent or manager fails to exercise his power of nomination under clause (c) of sub-section (1), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.</p>	<p>10. (1)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(2) &amp; (3)</p> <p>(4)</p>	<p>MINING BOARDS AND COMMITTEES —<i>contd.</i></p> <p>Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—</p> <p>a chairman nominated by the Local Government or by such officer or authority as the Local Government may [direct] ;</p> <p>one [or more] person(s) qualified by experience to dispose of the question referred to the Committee and nominated by the chairman ; and</p> <p>[one or more] persons [equal in number to the person or persons nominated under clause (b) ] and nominated by the owner, agent or manager of the mine concerned.</p> <p>The Inspector of Mines shall not serve as chairman or member of a Committee appointed under this section.</p> <p>No person employed in or in the management of the mine concerned shall serve as chairman or member of a Committee appointed under this section.</p> <p>Where an owner, agent or manager fails to exercise his power of nomination under sub-section (1), clause (c), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to them.</p>

No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the old Act, as amended
1	2	3	4
	<p>CHAPTER III—MINING BOARDS AND COMMITTEES—<i>contd.</i></p> <p>(4) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the Local Government.</p> <p>(5) On receiving such report the Local Government <i>shall pass orders in conformity therewith unless</i> the Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the Local Government may proceed to review such decision and to pass such orders in the matter as it may think fit. <i>If an objection is lodged by the Chief Inspector, notice of the same shall forthwith be given to the owner, agent or manager of the mine.</i></p> <p>(6) The Local Government may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to payment of the expenses of the inquiry, including such remuneration.</p>		<p>MINING BOARDS AND COMMITTEES —<i>contd.</i></p> <p>(5) The Committee shall hear and record such information as the Chief Inspector or the Inspector [of Mines] or the owner, agent or manager of the mine concerned may place before them, and shall intimate their decision to the Chief Inspector or the Inspector [of Mines] and to the owner, agent or manager of the mine [concerned], and shall report their decision to the Local Government [or, where a Mining Board has been constituted, to the Local Government through the Mining Board].</p> <p>(6) On receiving such report the Local Government may, if the Inspector of Mines, or the owner, agent or manager, has lodged an objection to the decision of the Committee, proceed to review such decision and to pass such orders in the matter as it may think fit.</p> <p>(7) The Local Government may give directions as to the remuneration (if any) to be paid to the members of the Committee or any of them, and as to the payment of the expenses of the inquiry, including such remuneration.</p>

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1	2	3	4
	<p data-bbox="194 458 524 500"><b>CHAPTER III—MINING BOARDS AND COMMITTEES—<i>contd.</i></b></p> <p data-bbox="107 500 524 660">12. (1) Any Mining Board constituted under section 10 and any Committee constituted under section 11 may exercise such of the powers of an Inspector <i>under this Act</i> as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.</p> <p data-bbox="141 677 524 1029">(2) Every Mining Board constituted under section 10 and every Committee appointed under section 11 shall have the powers of a Civil Court <i>under the Code of Civil Procedure, 1908</i>, for the purpose of enforcing the attendance of witnesses and compelling the production of documents <del>as in and to the effect of</del> and every person required by any such <i>Mining Board or Committee</i> to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of Indian Penal Code.</p> <p data-bbox="128 1046 524 1491">13. The Local Government <i>may direct</i> that the expenses of any inquiry conducted by a Mining Board constituted under section 10 or by a Committee appointed under section 11 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid, may, on application by the Chief Inspector or an Inspector, to a Magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner or agent.*</p>		<p data-bbox="630 458 960 500"><b>MINING BOARDS AND COMMITTEES —<i>contd.</i></b></p> <p data-bbox="630 500 960 660">11. (1) A Mining Board constituted under section 9 or a Committee appointed under section 10 may exercise such of the powers of an Inspector [of Mines] as they may think it necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to them.</p> <p data-bbox="583 677 960 971">(2) A mining Board constituted under section 9 [or] a Committee appointed under section 10 shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by any such Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.</p> <p data-bbox="577 1046 960 1533">12. [When the Local Government directs] that the expenses of any inquiry conducted by a Mining Board constituted under section 9 or by a Committee appointed under section 10 are to be borne in whole or in part by the owner, agent [or manager] of the mine concerned, the amount so directed to be paid may be recovered on application by the Chief Inspector or the Inspector [of Mines] to a Magistrate having jurisdiction at the place where the mine is situated or where such owner, agent [or manager] is for the time being resident by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent [or manager.]</p>

No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the old Act, as amended
1	2	3	4
	<p data-bbox="196 378 516 445"><b>CHAPTER IV—MINING OPERATIONS and Management of Mines</b></p> <p data-bbox="138 487 526 781">14. The owner, agent or manager of a mine shall, in the case of an existing mine within one month from the commencement of this Act, or, in the case of a new mine, within three months after the commencement of mining operations, give to the <i>District Magistrate</i> of the district in which the mine is situated notice in writing in such form and containing such particulars relating to the mine as may be prescribed.</p> <p data-bbox="95 1134 526 1386">15. (1) <i>Save as may be otherwise prescribed</i>, every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager.</p> <p data-bbox="148 1402 526 1554">(2) <i>If any mine is worked without there being a manager for the mine as required by sub-section (1), the owner and agent shall each be deemed to have contravened the provisions of this section.</i></p>		<p data-bbox="633 378 962 462"><b>MINING OPERATIONS [AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS]</b></p> <p data-bbox="579 487 968 1050">16. The owner, agent or manager of a mine shall, in the case of existing mines within [three] months after the commencement of this Act, and in the case of new mines within three months after the commencement of mining operations, give notice in writing to the <i>Inspector of Mines</i> appointed under section 4, sub-section (2), for the local area in which the mine is situate, or for the group or class of mines to which the mine belongs, or, if no <i>Inspector of Mines</i> has been appointed for such area or group or class of mines, to the <i>Chief Inspector of Mines</i> of [the address to which he desires his letters to be directed, the kind of minerals worked or to be worked, the name of the person under whom the mining operations are or are to be conducted, and the nature of the moving power which is or is to be used.]</p> <p data-bbox="542 1134 968 1201">18. (1) For every mine there shall be a manager, who shall have the prescribed qualifications.</p> <p data-bbox="585 1218 968 1285">(2) The manager shall be responsible for the [superintendence] of all parts of the mine.</p>



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1	2	3	4
	<p>CHAPTER IV—MINING OPERATIONS <i>and Management of Mines</i>—contd.</p> <p>16. (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the <i>regulations</i>, rules and <i>bye-laws</i> and of any orders made thereunder.</p> <p>(2) In the event of any contravention of any such provisions by any person <i>whosoever</i>, the owner, agent and manager of the mine shall each <i>be deemed also to be guilty of such contravention</i> unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention :</p> <p><i>Provided that the owner or agent shall not be so deemed if he proves—</i></p> <p>(a) <i>that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine ; and</i></p> <p>(b) <i>that he had made all the financial and other provisions necessary to enable the manager to carry out his duties ; and</i></p> <p>(c) <i>that the offence was committed, without his knowledge, consent or connivance.</i></p>		<p>MINING OPERATIONS [AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS]—<i>contd.</i></p> <p>14. (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and the rules and orders made thereunder.</p> <p>(2) In the event of any contravention of [or failure to comply with] any such provisions on the part of any person <i>whomsoever</i>, the owner, agent and manager [shall each be liable to be found guilty of an offence against this Act,] unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said provisions, to prevent such contravention [or non-compliance]</p> <p>* * *</p> <p>(2) * * * and that such contravention [or non-compliance] occurred without his consent.</p>

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	CHAPTER IV—MINING OPERATIONS and Management of Mines—contd.		MINING OPERATIONS AND DUTIES [AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS]—contd.
(3)	<i>Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of the mine has been appointed in accordance with the provisions of this Act.</i>		
	CHAPTER V—Provisions as to Health and Safety		RULES.
17.	There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supply of water fit for drinking, as may be prescribed.	20 (1) & (2) (n)	(1) [The Governor General in Council may for the whole or any part of British India, and] each Local Government, [subject to the control of the Governor General in Council] may, for the whole or any part of the Province, by notification in the [Gazette of India or the] local official Gazette, [as the case may be], make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines. (2) In particular and without prejudice to the generality of the foregoing power, such rules [may]— * * * (n) provide for the water-supply, sanitation and conservancy of mines; * * *
18.	At every mine in respect of which the Local Government may, by notification* in the local official Gazette declare this section to apply, such supply of ambulances, or stretchers, and of splints, bandages and other medical requirements, as may be prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.	20. (1) & (2) (s)	20. (1) [The Governor General in Council may, for the whole or any part of British India] and each Local Government, [subject to the control of the Governor General in Council,] may for the whole or any part of the Province, by notification in [the Gazette of India or] the local official Gazette, as the case may be, make rules

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	<p>CHAPTER V—<i>Provisions as to Health and Safety— contd.</i></p>		<p>RULES—<i>contd.</i></p> <p>for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may—</p> <p>(s) regulate the procedure on the occurrence of acci- dents in mines and the supply of medical appli- ances and comforts for the benefit of persons in- jured therein.</p> <p>MINING OPERATIONS AND DUTIES AND RESPONSIBILITIES OF OWNERS AGENTS AND MANAGERS—<i>contd.</i></p>
19. (1)	<p>If, in any respect which is not provided against by any express provision of this Act or of the <i>regulations, rules or by-laws</i> or of any orders made thereunder, <i>it appears</i> to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied <i>within such time as he may specify in the notice.</i></p>	15. (1)	<p>If, in any respect which is not provided against by any express provision of this Act, or of the rules or orders made thereunder, the Chief Inspector or any Inspector of Mines, [finds] that any mine, or any part thereof, or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice, the particulars in which he con- siders the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective, and require the same to be remedied.</p>

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	CHAPTER V— <i>Provisions as to Health and Safety— contd.</i>		MINING OPERATIONS AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS— <i>contd.</i>
(2)	If the Chief Inspector or an Inspector <i>authorised in this behalf by general or special order in writing by the Chief Inspector</i> is of opinion that there is urgent and immediate danger to the life or safety of <i>any person</i> employed in any mine or part thereof, he may by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.	(2)	If, [for reasons to be recorded in the order,] the Chief Inspector or the Inspector [of Mines] is of opinion that there is urgent and immediate danger to the life or safety of [women or children] employed in (or at) any mine, he may, by order in writing, prohibit the employment of [such women and children.]
(3)	Where an order has been made under sub-section (2) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order.		
(4)	The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (2), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (3), shall forthwith report the same to the Local Government and shall inform the owner, agent or manager of the mine that such report has been so made.	(3)	The Chief Inspector or the Inspector giving notice under sub-section (1) or making an order under sub-section (2) shall forthwith report the same to [the Mining Board, or, where there is no Mining Board, to such officer or authority as the Local Government may by general or special order appoint in this behalf].
(5)	If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made by the Chief Inspector under sub-section (2), or sub-section (3), he may, within twenty days after the receipt	(4) & (5)	(4) If the owner, agent or manager of the mine objects to remedy the matter complained of in a [notice] under sub-section (1) or to comply with an order made under sub-section (2),

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	<p data-bbox="221 394 505 453">CHAPTER V.—<i>Provisions as to Health and Safety— contd.</i></p> <p data-bbox="221 495 526 663">of the notice containing the re- quisition or of the order <i>or after the date of the decision of the competent authority, as the case may be</i>, send his objection in writing, stating the grounds thereof, to the <i>Local Government</i>, which shall refer the same to a Committee.</p> <p data-bbox="148 848 526 1150">(6) Every requisition made under sub-section (1), or order made under sub-section (2) or sub- section (3), to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the Committee: <i>Provided that the Committee may, on the application of owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection.</i></p> <p data-bbox="148 1184 526 1276">(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898.</p> <p data-bbox="133 1293 526 1554">20. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent, or manager of the mine shall give such notice of the occur- rence to such authorities, and in such form, and within such time, as may be prescribed.</p>		<p data-bbox="633 394 962 470">MINING OPERATIONS AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS—<i>contd.</i></p> <p data-bbox="654 495 962 663">he may within twenty days after the receipt of the notice or order send his objection in writing, stating the grounds thereof, to [the Board or other authority to which the Inspec- tor's report is made under sub- section (3)]</p> <p data-bbox="643 680 962 789">(5) On receiving an objection made under sub-section (4), the [said Board or other autho- rity] shall refer the matter to a Committee.</p> <p data-bbox="585 848 962 982">(6) In case objection is taken to an order made under sub-sec- tion (2), the order shall be complied with until the decision of the Committee is received at the mine.</p> <p data-bbox="585 1184 962 1276">(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898.</p> <p data-bbox="569 1293 962 1537">17. When any accidental explosion occurs in a mine, or when any accident occurs in [or at] a mine, [causing loss of life or serious bodily injury,] the owner, agent or manager of the mine shall give such notice of the explosion or accident to such authorities in such form, and within such time, as may be prescribed.</p>

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1	2	3	4
	<p style="text-align: center;"><b>CHAPTER V—Provisions as to Health and Safety— contd.</b></p> <p>21. (1) When any <i>accidental</i> explosion, <i>ignition, outbreak of fire or irruption of water</i> or other accident has occurred in or about any mine, the Local Government, if it is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding <i>the</i> inquiry.</p> <p>(2) The person appointed to hold any such inquiry shall have all the powers of a Civil Court <i>under the Code of Civil Procedure, 1908</i>, for the purpose of enforcing the attendance of witnesses and compelling the production of documents <i>and material objects</i>; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.</p> <p>(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector <i>under this Act</i> as he may think it necessary or expedient to exercise for the purposes of the inquiry.</p> <p>(4) The person holding an inquiry under this section shall make a report to the Local Government stating the causes of the accident and its circumstances, and adding any observations which he or <i>any of the assessors</i> may think fit to make.</p>		<p style="text-align: center;"><b>MINING OPERATIONS AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS—contd.</b></p> <p>18. (1) When in or at any time an explosion or other accident has occurred, if it appears to the Local Government that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, the Local Government, [may give directions accordingly] and may appoint a competent person to hold the inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.</p> <p>(2) The person [or persons] appointed shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by such person or persons as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.</p> <p>(3) The person [or persons] holding an inquiry under this section may exercise such of the powers of an Inspector [of Mines] as he or they may think it necessary or expedient to exercise for the purposes of [such] inquiry.</p> <p>(4) The person [or persons] holding an inquiry under this section shall make a report to the Local Government, stating the causes of the accident and its circumstances, and adding any observations which he [or they] may think fit to make.</p>

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1	2	3	4
	CHAPTER V— <i>Provisions as to Health and Safety— concl.</i>		MINING OPERATIONS AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS— <i>contd.</i>

## No. 42.

After 23 of the Indian Mines Act, 1923, on page 116, *insert*  
the fol sections :—

“23A.† Work shall not be carried on in any mine for a period exceeding  
twelve hours in any consecutive period of twenty-  
four hours except by a system of shifts so arranged  
that not more than one shift of persons employed  
in work of the same kind shall be at work in the  
mine at the same time.

23B.† (1) The manager of every mine shall cause to be posted out-  
side the office of the mine a notice in the prescribed  
form stating the time of the commencement and  
of the end of work at the mine and, if it is proposed  
to work by a system of shifts, the time of the com-  
mencement and of the end of work for each shift. A copy of each such  
notice shall be sent to the Chief Inspector, if he so requires.

\* This clause comes into force on 7th April 1930.

† This section comes into force on 7th April 1930.

(2) In the case of a mine at which mining operations commence after  
the 14th day of April 1930, the notice referred to in sub-section (1) shall  
be posted not less than seven days before the commencement of work.

(3) Where it is proposed to make any alteration in the time fixed for  
the commencement or for the end of work in the mine generally or for  
any shift, an amended notice in the prescribed form shall be posted  
outside the office of the mine not less than seven days before the change  
is made and a copy of such notice shall be sent to the Chief Inspector  
not less than seven days before such change, if he so requires or if the  
original notice was sent to him.”

[The Indian Mines (Amendment) Act, 1928 (XIII of 1928).]

(Correction Memorandum No. 3.)

No. of section, sub-section, clause or sub-clause 1	Section, sub-section, clause or sub-clause of the new Act, as amended 2	No. of section, sub-section, clause or sub-clause 3	Section, sub-section, clause or sub-clause of the old Act, as amended 4
	CHAPTER VI— <i>Hours and Limitation of Employment</i> —contd.		MISCELLANEOUS
27. (1) and (2)	(1) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a <i>child</i> , the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.  (2) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (1) shall for the purposes	28.	If [in any inquiry or proceeding under this Act] it is necessary to decide the question whether a person is or is not [under the age of twelve years] a certificate in writing, signed by a duly qualified person practising medicine or surgery, who states that he has examined such person, and that the age of such person, as nearly as can be ascertained from such examination, is or is not under twelve years, shall be received as <i>prima facie</i> evidence of the age of such person.

## No. 44.

Renumber section 28 of the Indian Mines Act, 1923, on page 117, as sub-section (1) of that section and add to that sub-section after the word "employments" the following, namely:—

"and, where work is carried on by a system of shifts, of the shift in which each such person works."

and add to the same section the following sub-section, namely:—

"(2) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person, and no person shall be employed except during the hours of work specified for him in the register."

Note.—These amendments come into force on 7th April 1930.

[The Indian Mines (Amendment) Act, 1928 (XIII of 1928).]

## (Correction Memorandum No. 3.)

NO. 55. As far as possible under a uniform set of rules in different parts of India. It is generally desirable that the conditions should not differ, except in so far as local requirements may necessitate this, in the regulations for the control of a widespread industry like coal mining. But for the regulation of mining operations on a small or restricted scale the prescription of rules under section 20 is left to the Local Government. Copies of the rules issued should be forwarded to the Government of India for information. (G. I., C. & I., No. 2725-2738-66, dated 16th April 1914 : G. R. No. 5100, dated 1st June 1914.)



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	CHAPTER V— <i>Provisions</i> <i>as to Health and Safety—</i> concl.		MINING OPERATIONS AND DUTIES AND RESPONSIBILITIES OF OWNERS, AGENTS AND MANAGERS— <i>contd.</i>

## No. 42.

After section 23 of the Indian Mines Act, 1923, on page 116, insert the following sections :—

“23A.† Work shall not be carried on in any mine for a period exceeding twelve hours in any consecutive period of twenty-four hours except by a system of shifts so arranged that not more than one shift of persons employed in work of the same kind shall be at work in the mine at the same time.

23B.† (1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of shifts, the time of the commencement and of the end of work for each shift. A copy of each such notice shall be sent to the Chief Inspector, if he so requires.

\* This clause comes into force on 7th April 1930.

† This section comes into force on 7th April 1930.

(2) In the case of a mine at which mining operations commence after the 14th day of April 1930, the notice referred to in sub-section (1) shall be posted not less than seven days before the commencement of work.

(3) Where it is proposed to make any alteration in the time fixed for the commencement or for the end of work in the mine generally or for any shift, an amended notice in the prescribed form shall be posted outside the office of the mine not less than seven days before the change is made and a copy of such notice shall be sent to the Chief Inspector not less than seven days before such change, if he so requires or if the original notice was sent to him.”

[The Indian Mines (Amendment) Act, 1928 (XIII of 1928).]

(Correction Memorandum No. 3.)

No. of section, sub-section, clause or sub-clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub-clause	Section, sub-section, clause or sub-clause of the old Act, as amended
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27. (1) and (2)	<p style="text-align: center;">CHAPTER VI—<i>Hours and Limitation of Employment</i>— contd.</p> <p>(1) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a <i>child</i>, the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.</p> <p>(2) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (1) shall for the purposes</p>	28.	<p style="text-align: center;">MISCELLANEOUS</p> <p>If [in any inquiry or proceeding under this Act] it is necessary to decide the question whether a person is or is not [under the age of twelve years] a certificate in writing, signed by a duly qualified person practising medicine or surgery, who states that he has examined such person, and that the age of such person, as nearly as can be ascertained from such examination, is or is not under twelve years, shall be received as <i>prima facie</i> evidence of the age of such person.</p>

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Renumber section 28 of the Indian Mines Act, 1923, on page 117, as sub-section (1) of that section and add to that sub-section after the word "employments" the following, namely:—

"and, where work is carried on by a system of shifts, of the shift in which each such person works."

and add to the same section the following sub-section, namely:—

"(2) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person, and no person shall be employed except during the hours of work specified for him in the register."

Note.—These amendments come into force on 7th April 1930.

[The Indian Mines (Amendment) Act, 1928 (XIII of 1928).]

## (Correction Memorandum No. 3.)

As far as possible under a uniform set of rules in different parts of India. It is generally desirable that the conditions should not differ, except in so far as local requirements may necessitate this, in the regulations for the control of a widespread industry like coal mining. But for the regulation of mining operations on a small or restricted scale the prescription of rules under section 20 is left to the Local Government. Copies of the rules issued should be forwarded to the Government of India for information. (G. I. C. & I., No. 2725-2738-66, dated 16th April 1914 : G. R. No. 5100, dated 1st June 1914.)

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	<p data-bbox="207 875 511 920">CHAPTER VII—<i>Regulations, Rules and Bye-laws</i></p> <p data-bbox="141 937 529 1068">29. The Governor General in Council may, by notification in the Gazette of India, make regulations <i>consistent with this Act</i> for all or any of the <i>following purposes</i>, namely:—</p>	<p data-bbox="545 937 610 962">20. (1)</p>	<p data-bbox="724 388 870 409"><i>RULES—contd.</i></p> <p data-bbox="652 430 966 598">Province, by notification in [the Gazette of India or] the local official Gazette, as the case may be, make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.</p> <p data-bbox="634 618 966 719">(2) In particular and without prejudice to the generality of the foregoing power, such rules [may]— * * * *</p> <p data-bbox="657 749 966 866">(m) require owners or agents to maintain registers of women and children employed, and prescribe the forms of such registers. * * * *</p> <p data-bbox="634 937 966 1253">The Governor General in Council may [for the whole or any part of British India, and each Local Government, subject to the control* of the Governor General in Council, may, for the whole or any part of the Province], by notification in the Gazette of India [or the local official gazette, as the case may be] make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.</p>

\* With reference to Part I of the Schedule appended to the Decentralization Act, IV of 1914, it is intended, as regards the extent of the control which the Government of India desire to exercise in regard to the framing of rules under section 20 of the Indian Mines Act, 1901, that rules governing the mining of coal and of other minerals which may be extensively worked should in the first place be submitted to them for approval, the intention being that mining on a large scale should be carried on as far as possible under a uniform set of rules in different parts of India. It is generally desirable that the conditions should not differ, except in so far as local requirements may necessitate this, in the regulations for the control of a widespread industry like coal mining. But for the regulation of mining operations on a small or restricted scale the prescription of rules under section 20 is left to the Local Government. Copies of the rules issued should be forwarded to the Government of India for information. (G. I., C. & L., No. 2725-2738-66, dated 16th April 1914 : G. R. No. 5100, dated 1st June 1914.)

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1	2	3	4
	CHAPTER VII— <i>Regulations, RULES and Bye-laws— contd.</i>		RULES— <i>contd.</i>
(a)	<i>for prescribing the qualifica- tions to be required by a person for appointment as Chief Inspector or Inspector ;</i>	20. (2)	In particular and without prejudice to the generality of the foregoing power, such rules may—
(b)	<i>for prescribing and regulating the duties and powers of the Chief Inspector and of Ins- pectors in regard to the inspection of mines under this Act ;</i>	(a)	regulate the duties and powers of the Chief Inspector and of Inspectors [of mines] in respect of the inspection of mines under this Act, [and provides for appeals from the orders of the Chief Inspector and Inspectors of Mines] ;
(c)	<i>for prescribing the duties of owners, agents and mana- gers of mines and of persons acting under them ;</i>	(c)	prescribe the duties of owners, agents and managers of mines and of all persons acting under them ;
(d)	<i>for prescribing the qualifications of managers of mines and of persons acting under them ;</i>	(d)	prescribe the qualifications of managers and of all per- sons acting under them ;
(e)	<i>for regulating the manner of ascertaining, by examination or otherwise, the qualifica- tions of managers of mines and persons acting under them, and the granting and renewal of certificates of competency ;</i>	(e)	regulate the manner of ascertain- ing, by examination or other- wise, the qualifications of managers and persons acting under them, and the granting and renewal of certificates of competency ;
(f)	<i>for fixing the fees, if any, to be paid in respect of such exami- nations and of the grant and renewal of such certificates ;</i>	(f)	fix the fees [if any] to be paid in respect of such examinations and the grant and renewal of certificates [as aforesaid] ;
(g)	<i>for determining the circum- stances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications ;</i>		
(h)	<i>for providing for the making of inquiries into charges of mis- conduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency ;</i>	(g)	provide for making of inquiries into charges of misconduct or incompetency on the part of managers and persons acting under them, and for the suspension and cancella- tion of certificates of compe- tency ;

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	CHAPTER VII— <i>Regulations, RULES and Bye-laws— contd.</i>		RULES— <i>contd.</i>
(i)	for regulating, subject to the provisions of the Indian Explosives Act, 1884, and of any rules made thereunder, the storage and use of explosives ;	(j)	regulate, subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder, the storage and use of explosives ;
(j)	for prohibiting, restricting or regulating the employment <i>in mines or in any class of mines</i> of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women ;	(l)	prohibit, restrict or regulate the employment of women [or children] either below ground or on particular kinds of labour where such employment is attended by danger to the life, safety or health of such women [or children] ;
(k)	for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, and the <i>fencing of shafts, pits, outlets, pathways and subsidences</i> ;	(k)	provide for the safety of the persons employed in mines, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, the fencing of shafts, outlets [and passages] and the care of all machinery ;
(l)	for providing for the safety of the roads and working places in mines, <i>including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine</i> ;	o)	provide for the safety of the roads and working places in mines ;
(m)	for providing for the ventilation of mines and the action to be taken in respect of <i>dust and noxious gases</i> ;	(p)	provide for the ventilation of mines and the action to be taken in respect of noxious gases ;
(n)	for providing for the care, and the <i>regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes</i> ;	(k)	provide for the safety of the persons employed in mines, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, the fencing of shafts, outlets [and passages], and the care of all machinery ;
(o)	for requiring and regulating the use of safety lamps in mines ;	(g)	require and regulate the use of safety lamps in mines ;
(p)	for providing against <i>dangers arising out of the accumulation of water in mines</i> ;	(r)	provide against the accumulation of water in mines ;

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	CHAPTER VII— <i>Regulations, RULES and Bye-laws— contd.</i>		RULES— <i>contd.</i>
(g)	for prescribing the <i>notices of accidents and dangerous occurrences</i> , and the notices, reports and returns of mineral output, persons employed <i>and other matters provided for by regulations</i> , to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, <i>and the time within which they are to be submitted</i> ;	(h)	prescribe the [matters in respect of which] notices, returns and reports shall be furnished by owners, agents and managers, the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished and the particulars to be contained in them ;
(r)	for prescribing the plans to be kept by owners, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record ;	(i)	prescribe the plans (if any) to be kept by owners, agents and managers, and the manner and places in which they are to be kept for purposes of record ;
(s)	for regulating the procedure on the occurrence of accidents <i>or accidental explosions or ignitions in or about</i> mines ;	(s)	regulate the procedure on the occurrence of accidents in mines [and the supply of medical appliances and comforts for the benefit of persons injured therein ;]
(t)	<i>for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 14 ; and</i>		
(u)	for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work or classes of public work which the Local Government may, by general or special order, specify in this behalf.	(v)	prescribe the notice to be given by the owner, agent or manager of a mine before extending any mining operations [under his control] at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work[s] or classes of public work[s] which the Local Government may, by general or special order, specify in this behalf.

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	CHAPTER VII— <i>Regulations, Rules and Bye-laws</i> — contd.		RULES— <i>contd.</i>

## No. 45.

In section 30 of the Indian Mines Act, 1923, on page 122, *insert* the following clause, namely:—

“(cc) for prescribing the forms of notices required under section 23B, and for requiring such notices to be posted also in specified vernaculars.”

*Note.*—This amendment comes into force on 7th April 1930.

[The Indian Mines (Amendment) Act, 1928 (XIII of 1928).]

## (Correction Memorandum No. 3.)

(a)	for providing for the appointment of chairmen and members of Mining Boards, and for regulating the procedure of such Boards;	(2)	In particular and without prejudice to the generality of the foregoing power, such rules may—
(b)	for providing for the appointment of courts of inquiry under section 21, for regulating the procedure and powers of such courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts from the manager, owner or agent of the mine concerned;	(b)	provide for the appointment of chairman and members of Mining Boards [and Committees] and regulate the procedure of such Boards [and Committees];
(c)	for prescribing the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking water, the supply and maintenance of medical appliances and comforts, the formation and training of rescue brigades, and the training of men in ambulance work;	(n)	provide for the water-supply, sanitation and conservancy of mines;
(d)	for defining the persons who shall, for the purposes of section 24, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity;	(s)	regulate the procedure on the occurrence of accidents in mines and the supply of medical appliances and comforts for the benefit of persons injured therein;

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	<p>CHAPTER VII—<i>Regulations, Rules and Bye-laws</i>— contd.</p> <p>(e) <i>for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to be more than thirteen years of age, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked ;</i></p> <p>(f) <i>for prescribing the form of register required by section 28 ;</i></p> <p>(g) <i>for prescribing abstracts of this Act and of the regulations, and rules and the vernacular in which the abstracts and bye-laws shall be posted as required by sections 32 and 33 ;*</i></p> <p>(h) <i>for requiring the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public ;</i></p>	<p>20. (1) and (2) (m)</p> <p>20. (2) (t)</p>	<p>RULES—<i>contd.</i></p> <p>(1) The [Governor General in Council may, for the whole or any part of British India, and each] Local Government, subject to the control of the Governor General in Council, may, for the whole or any part of the Province, by notification in the [Gazette of India or] the local official Gazette, as the case may be, make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.</p> <p>(2) In particular and without prejudices to the generality of the foregoing power, such rules may—</p> <p style="text-align: center;">* * *</p> <p>(m) require owners, or agents to maintain registers [of women and children employed] and prescribe the forms of such registers ;</p> <p style="text-align: center;">* * *</p> <p>In particular and without prejudice to the generality of the foregoing power, such rules may—</p> <p>(t) provide for the fencing of any mine or part of a mine,</p>

\* Reproduced as amended by the Repealing and Amending Act, 1925 (XXXVII of 1925).



No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the old Act, as amended
1	2	3	4
	<p>CHAPTER VII—<i>Regulations, RULES and Bye-laws— contd.</i></p> <p>(i) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in His Majesty or any local autho- rity or railway company as defined in the Indian Rail- ways Act 1890 ;</p> <p>(j) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times within which they are to be sub- mitted ; and</p> <p>(k) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.</p>	<p>20. (2) (u)</p> <p>20. (1)</p>	<p>RULES—<i>contd.</i></p> <p>whether the same is being worked or not, where such fencing is necessary for the protection of the public.</p> <p>(2) In particular and without pre- judice to the generality of the foregoing power, such rules may—</p> <p>(u) provide for the protection [of public property and works] from injury in respect of any mine when the workings are discontinued ;</p> <p>The [Governor General in Council may, for the whole or any part of British India, and each] Local Government, [subject to the control of the Governor General in Council,] may, for the whole or any part of the Province, by notification [in the Gazette of India or] the local official Gazette, as the case may be make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.</p>

No. of section, sub-section, clause or sub-clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub-clause	Section, sub-section, clause or sub-clause of the old Act, as amended
1	2	3	4
	CHAPTER VII.— <i>Regulations, RULES and Bye-laws--</i> contd.		RULES—contd.
31. (1)	The power to make <i>regulations and rules</i> conferred by sections 29 and 30 is subject to the condition of the <i>regulations and rules</i> being made after previous publication.	20 (3)	The power to make [rules] conferred by this section is subject to the condition of the [rules] being made after previous publication.
(2)	The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of <i>regulations or rules</i> proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the	(4)	The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made [under this section] will be taken into consideration, shall not be less than three months from the date on which

## No. 46.

In sub-section (3) of section 31 of the Indian Mines Act, 1923, on page 125, *omit* the words "or rule" in both places where they occur, the words "in the case of a regulation", and the words "and in the case of a rule to every Mining Board constituted in the province", and *insert* after sub-section (3) the following sub-section, namely:—

"(3A) No rule shall be made unless the draft thereof has been referred to every Mining Board constituted in the province for which it is proposed to make the rule, and unless each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions."

[The Indian Mines (Amendment) Act, 1928 (XIII of 1928).]

(Correction Memorandum No. 3.)

<i>Regulations and rules</i> shall be published in the Gazette of India and the local official Gazette, <i>respectively</i> , and, on such publication, shall have effect as if enacted in this Act.	(6) All the [rules] made under this section shall be published in the Gazette of India or in the local official Gazette [as the case may be], and, on such publication, shall have effect as if enacted in this Act.
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No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub- clause	Section, sub-section, clause or sub-clause of the old Act, as amended
1	2	3	4
	<p>CHAPTER VII—<i>Regulations, RULES and Bye-laws— contd.</i></p>		<p>RULES—<i>contd.</i></p>
32. (1)	<p>The owner, agent or manager of a mine may, <i>and shall, if called upon to do so by the Chief Inspector or Inspector</i>, frame and submit to the Chief Inspector or Inspector a draft of such <i>bye-laws</i>, not being inconsistent with this Act or any <i>regulations</i> or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine <i>as such owner, agent, or manager may deem necessary</i> to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.</p>	21. (1)	<p>The owner, agent or manager of a mine may frame and [transmit] to the Inspector of Mines [or, when there is no Inspector for the local area in which the mine is situate or the group or the class to which the mine belongs, to the Chief Inspector,] a draft of such [special rules], not being inconsistent with this Act or any [rules] for the time being in force [under section 20], for the control and guidance of the persons acting in the management of, or employed in [or about] the mine as he may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in [or about] the mine.</p>
(2)	<p>If any such owner, agent or manager—</p>	(2)	<p>If any such owner, agent or manager—</p>
(a)	<p>fails to <i>submit</i> within two months a draft of <i>bye-laws</i> after being called upon to do so by the Chief Inspector or Inspector, or</p>	(a)	<p>fails within a period of two months [after the receipt of a notice] from the Inspector or Chief Inspector to [transmit] a draft of such [special rules] as are referred to in sub-section (1), or</p>
(b)	<p>submits a draft of <i>bye-laws</i> which is not in the opinion of the Chief Inspector or Inspector sufficient,</p>	(b)	<p>submits a draft of such [special rules] as aforesaid, which is not in the opinion of the Inspector or Chief Inspector sufficient,</p>

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1	2	3	4
	<p data-bbox="212 403 510 470">CHAPTER VII—<i>Regulations, RULES and Bye-laws</i>— contd.</p> <p data-bbox="212 504 510 554">the Chief Inspector or Inspector may—</p> <p data-bbox="148 571 510 638">(i) propose a draft of such <i>bye-laws</i> as appear to him to be sufficient, or</p> <p data-bbox="138 688 510 806">(ii) propose such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient,</p> <p data-bbox="212 856 510 974">and shall send such draft <i>bye-laws</i> or draft amendments to the owner, agent or manager, as the case may be, for consideration.</p> <p data-bbox="148 1024 510 1478">(3) If within a period of two months from the date on which any draft <i>bye-laws</i> or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the <i>bye-laws</i> to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft <i>bye-laws</i> for settlement to the Mining Board, or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.</p>		<p data-bbox="723 420 872 453"><i>RULES—contd.</i></p> <p data-bbox="649 504 946 554">the Inspector or Chief Inspector may either—</p> <p data-bbox="585 571 946 638">(i) propose a draft of such [special rules] as appear to him to be sufficient, or</p> <p data-bbox="574 688 946 823">(ii) propose such amendments in the draft submitted to him by the owner, agent or manager as will, in his opinion, render them sufficient,</p> <p data-bbox="670 856 946 957">and shall send such draft [rules] or draft amendments to the owner, agent or manager for consideration.</p> <p data-bbox="585 1024 946 1512">(3) If within a period of two months from the date on which any draft [rules] or draft amendments are sent by the Inspector or Chief Inspector to the owner, agent or manager [of a mine] under the provisions of sub-section (2), the Inspector or Chief Inspector and the owner, agent or manager are unable to agree as to the terms of the [special rules] to be made under sub-section (1) or as to the terms of any of such [rules] the said Inspector or Chief Inspector shall refer the draft [rules] for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.</p>

No. of section, sub-section, clause or sub-clause	Section, sub-section, clause or sub-clause of the new Act, as amended	No. of section, sub-section, clause or sub-clause	Section, sub-section, clause or sub-clause of the old Act, as amended
1	2	3	4
(4) (a)	CHAPTER VII— <i>Regulations, RULES and Bye-laws—</i> <i>contd.</i>	(4), (5) and (6)	<i>RULES—contd.</i>
(b)	The Local Government <i>may make such modifications of the draft bye-laws as it thinks fit.</i>		(4) A copy of the draft rule as agreed to by the owner, agent or manager and the Inspector or Chief Inspector, or, when they are unable to agree, as settled by the Mining Board or such officer or authority as aforesaid, shall, [together with a notice intimating that any objection or suggestion in respect thereof may be submitted in writing by any person employed in the mine to the said Inspector or Chief Inspector for consideration] be [posted up for not less than thirty days in legible characters in English and in the vernacular of the district in some conspicuous place in the mine for the information of the persons employed therein, and a certificate to the effect that this has been done signed by the owner, agent or manager of the mine shall be] transmitted to the said Inspector or Chief Inspector, [together with two copies of the draft rules.]
(c)	Before the Local Government approves the draft <i>bye-laws</i> , whether with or without modifications, there shall be published, <i>in such manner as the Local Government may think best adapted for informing the persons affected</i> , notice of the proposal to make the <i>bye-laws</i> and of the place where copies of the draft <i>bye-laws</i> may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft <i>bye-laws</i> , made by or on behalf of persons affected, should be sent to the Local Government.		(5) When the publication required by sub-section (4) has been carried out, the Inspector or Chief Inspector shall forward a copy of the draft rules so published, together with a copy of any objections or suggestions in respect thereof received by him, to the Local Government.
(d)	Every objection shall be in writing and shall state— (i) the specific grounds of objection, and (ii) the omissions, additions or modifications asked for.		(6) The [special rules,] when approved by the Local Government, with such modifications (if any) as it may think fit, shall be published in like manner, as is provided in sub-section (4) respecting the publication of the draft, and, on such publication, shall have effect as if enacted in this Act.
(e)	The Local Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected, and may approve the <i>bye-laws</i> either in the form in which		

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1	2	3	4
	<p>CHAPTER VII.—<i>Regulations, RULES and Bye-laws— concl'd.</i></p> <p>they were published or after making such amendments thereto as it thinks fit.</p> <p>(5) The bye-laws, when so approved by the Local Government, shall have effect as if enacted in this Act, <i>and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in Eng- lish and in such vernacular or vernaculars as may be prescrib- ed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.</i></p> <p>(6) The Local Government may, by order in writing, rescind, in whole or in part, any <i>bye-law</i> so made, and thereupon such <i>bye-law</i> shall cease to have effect accordingly.</p> <p>33. <i>There shall be kept posted up at or near every mine in English and in such vernacular or ver- naculars as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.</i></p>		<p>RULES—<i>concl'd.</i></p> <p>Provided that the Local Govern- ment may at any time, by order in writing [which shall be published in like manner as aforesaid], rescind, in whole or in part, any rules so made, and that thereupon such rules shall cease to have effect accordingly.</p>
	<p>CHAPTER VIII.—<i>Penalties and Procedure</i></p> <p>34. (1) Whoever obstructs the Chief Inspector, an Inspector or any person authorised under section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector or such person any reasonable facility, for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any</p>	<p>23. (1) (a)</p>	<p>PENALTIES.</p> <p>(1) Whoever— (a) obstructs the Chief Inspec- tor or an Inspector [of Mines] in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspec- tion, examination or inquiry thereunder in relation to any mine; or</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p>CHAPTER VIII.—PENALTIES and Procedure—contd.</p> <p>mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</p> <p>(2) <i>Whoever refuses to produce on the demand of the Chief Inspector or Inspector any register or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent, any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.</i></p> <p>85. (a) <i>Whoever—</i> counterfeits, or knowingly makes a false statement in any certificate, or any official copy of a certificate, granted under this Act, or</p> <p>(b) <i>knowingly uses as true any such counterfeit or false certificate; or</i></p> <p>(c) <i>makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or</i></p> <p style="text-align: center;">* * *</p> <p><i>shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</i></p>	<p>22. (1) (b)</p> <p>(c)</p> <p>(d)</p>	<p>PENALTIES—contd.</p> <p>Whoever— counterfeits, or knowingly makes a false statement in, any certificate or in any official copy of a certificate granted under this Act, or</p> <p>knowingly uses as true any such counterfeit or false certificate; or</p> <p>makes or produces or uses any false declaration, statement or evidence knowing the same to be false for the purpose of obtaining, for himself or for any other person, a certificate or the renewal of a certificate, or any employment [under this Act;] or</p> <p style="text-align: center;">* * *</p> <p>shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	CHAPTER VIII.—PENALTIES and Procedure—contd.		PENALTIES—contd.
(d)	Whoever— * * * falsifies any plan or register or record the maintenance of which is required by or under this Act, or	22. (2) (a)	Whoever— falsifies any plan or register or record required to be main- tained by or under this Act ; or
(e)	makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not, to the best of his knowledge or belief, true,  shall be punishable with impris- onment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.	22. (2) (c)	makes, gives or delivers any [such] plan [register], record, notice, or return containing a statement, entry or detail which is not, to the best of his knowledge or belief, true ; shall be punishable with fine which may extend to five hundred rupees.
36.	Any person who, without reasonable excuse, the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, return, notice, register, record or report required by or under this Act to be made or fur- nished, shall be punishable with fine which may extend to two hundred rupees.	22. (3) (d)	Whoever— * [being the owner, agent or manager of a mine], fails to [maintain correctly,] or to produce, any prescribed plan, * shall be punishable with fine which may extend to two hundred rupees. * *
87.	Whoever, save as permitted by section 25, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with fine which may extend to five hundred rupees.	22. (3) (a), (b) and (c)	(3) Whoever—  (a) employs or allows to be employed in or about a mine or allows to enter a mine or part of a mine, any person in contravention of any provision of this Act or of any rule or order thereunder ; or (b) allows any person to per- form any work forbidden by, or to work in contravention of, any such provision ; or (c) fails to comply with any requisition or order made under any such provision ; or * * *



No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p>CHAPTER VIII.—PENALTIES and Procedure—contd.</p> <p>38. Whoever, in contravention of the provisions of section 20, fails to give notice of any accidental occurrence, shall, if the occurrence results in serious bodily injury, be punishable with fine which may extend to five hundred rupees, or, if the occurrence results in loss of life, be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.</p> <p>39. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing contravention, with a further fine which may extend to one hundred rupees for every day on which the offender is proved to have persisted in the contravention after the date of the first conviction.</p>	<p>22. (2) (b)</p> <p>22. (3) (c)</p>	<p>PENALTIES—contd.</p> <p>shall be punishable with fine which may extend to [two] hundred rupees, and, [in the case of a continuing breach under clause (c) of this sub-section, with a further fine which may extend to fifty rupees for every day during which the breach is proved to have been persisted in after the date of the receipt by him of the order or requisition referred to in such clause.]</p> <p>Whoever— [being the owner, agent or manager of a mine], omits to give the prescribed notice of an accident in the mine [or to make or furnish any prescribed plans or returns] shall be punishable with fine which may extend to five hundred rupees.</p> <p>Whoever— * * * contravenes any provision of this Act or any rule or order thereunder for the breach of which no penalty is otherwise provided shall be punishable with fine which may extend to [two] hundred rupees * * * *</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act as amended.
1	2	3	4
	<p data-bbox="210 388 516 433">CHAPTER VIII.—PENALTIES and Procedure—contd.</p> <p data-bbox="107 458 532 987">40. (1) <i>Notwithstanding anything herein- before contained, whoever con- travenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both; or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if such contravention other- wise causes injury or danger to workers or other persons in or about the mine, with imprison- ment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.</i></p> <p data-bbox="150 1009 532 1139">(2) <i>Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment pro- vided by sub-section (1).</i></p> <p data-bbox="150 1155 532 1369">(3) <i>Any Court imposing, or confirm- ing in appeal, revision or other- wise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compen- sation to the person injured, or, in the case of his death, to his legal representative:</i></p> <p data-bbox="200 1386 532 1559"><i>Provided that, if the fine is imposed in a case which is subject to appeal, no such pay- ment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.</i></p>	<p data-bbox="545 458 611 504">22. (1) (e)</p>	<p data-bbox="707 388 891 411">PENALTIES—contd.</p> <p data-bbox="636 458 968 774">Whoever— (e) contravenes any provision of this Act or any [rule] or order thereunder [for the breach of which no penalty is otherwise provided], where the act done has resulted in [loss of life or serious bodily injury to any person]; shall be punishable with impri- sonment for a term which may extend to [three months,] or with fine which may extend to [five] hundred rupees, or with both.</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	<p>CHAPTER VIII.—PENALTIES and Procedure—concl'd.</p> <p>41. No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the District Magistrate or of an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector.</p> <p>42. No Court shall take cognizance of any offence under this Act unless complaint thereof has been made within six months of the date on which the offence is alleged to have been committed.</p> <p>43. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.</p> <p>44. (1) If the Court trying any case instituted at the instance of the Chief Inspector or of the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.</p> <p>(2) On receipt of a report under sub-section (1), the Local Government may refer the case to a Mining Board or a Committee, or may direct the Court to proceed with the trial.</p>	<p>23.</p> <p>24.</p> <p>25.</p> <p>26.</p>	<p>MISCELLANEOUS.</p> <p>No prosecution shall be instituted against any owner, agent or manager for any offence [against] this Act [or any rule or order thereunder] except at the instance of the Chief Inspector or an Inspector [of Mines].</p> <p>No Court shall take cognizance of any offence [against] this Act [or any rule or order thereunder] unless complaint thereof [is] made within six months of the date on which the offence is alleged to have been committed.</p> <p>No Court inferior to that of a Magistrate of the first class [or Sub-divisional Magistrate] shall try any offence [against] this Act [or any rule or order thereunder] which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is punishable with imprisonment.</p> <p>If the Court trying any case instituted [on the complaint] of the Chief Inspector or an Inspector [of Mines] under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.</p>

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	CHAPTER IX.—MISCELLANEOUS.		MISCELLANEOUS— <i>contd.</i>
45.	If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate signed by a Secretary to the Local Government shall be conclusive on the point.	27.	If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate, signed by a Secretary to the Local Government, shall be conclusive on the point.
46. (1)	<p><i>The Governor General in Council may, by notification in the Gazette of India, exempt any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of this Act :</i></p> <p><i>Provided that no local area or mine or group or class of mines shall be exempted from the provisions of section 26 unless it is also exempted from the operation of all the other provisions of this Act.</i></p>	29.	The [Local Government] may, by notification in the [local official Gazette] [and subject to such limitations and conditions as may seem to it expedient], exempt* from the operation of the whole or any part of this Act any local area, or any mine or group or class of mines, or any class of persons.
(2)	On the occurrence of any public emergency, the Local Government may, by an order in writing, confer any exemption which might be conferred by the Governor General in Council under sub-section (1). When such an order is made, a copy thereof shall forthwith be sent to the Governor General in Council.		

\* The Governor General in Council exempted from the operation of this Act all kankar, stone and laterite quarries, being 'mines' within the definition, contained in section 3 (d) throughout the Province of Bombay (G. I. R. & A., Notn. No. 1562-45-5, dated 12th June 1901: G. R. No. 4494, dated 28th idem). This notification is held to apply to lime-stone quarries. (G. I. R. No. 7068, dated 13th July 1908.)

No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the new Act, as amended.	No. of section, sub-section, clause or sub- clause.	Section, sub-section, clause or sub-clause of the old Act, as amended.
1	2	3	4
	CHAPTER IX.—MISCELLANEOUS— <i>concl'd.</i>		MISCELLANEOUS— <i>concl'd.</i>
47.	Governor General in Council and every Local Government may reverse or modify any order passed under this Act by any authority subject to his or its control, <i>as the case may be.</i>	80.	The Governor General in Council or any Local Government [shall have authority to] reverse or modify any order passed under this Act by any authority subject to his or its control.
48.	This Act shall apply to mines belonging to the Crown.	81. 82.	This Act shall apply to mines belonging to the Crown. [The Governor General in Council may, if he thinks fit, exercise any power which is by this Act conferred upon a Local Government.]
49.	<i>No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.</i>		
50.	<i>On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof.</i>		

## THE SCHEDULE.

(See section 50.)

## Enactments Repealed.

Year.	No.	Short title.	Extent of repeal.
1901 .	VIII.	The Indian Mines Act, 1901.	The whole.
1914 .	IV ...	The Decentralization Act, 1914.	So much of the Schedule as relates to the Indian Mines Act, 1901.
1914 .	X ...	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Mines Act, 1901.

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## PART III

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RULES AND ORDERS REGULATING THE GRANT OF PROSPECTING  
LICENSES AND MINING LEASES

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## Rules for the grant of prospecting licenses for minerals and of mining leases in British India.

(Notes under each rule are enclosed in square brackets. Rules are not so enclosed.  
Notes are marked A, B, C, etc.)

### GOVERNMENT OF INDIA

#### COMMERCE AND INDUSTRY DEPARTMENT GEOLOGY AND MINERALS

No. 7552—7581—121, dated Simla, 15th September 1913

#### RESOLUTION\*

In supersession of the rules published with Resolution† No. 18—17—2, dated the 20th May 1899, the Governor General in Council is pleased to prescribe the following rules for regulating the grant by Local Governments of licenses to prospect for minerals and the grant of mining leases in British India:—

*Rules for the grant by Local Governments of Licenses to  
prospect for Minerals and of Mining Leases  
in British India*

The following rules regulating the grant by Local Governments of licenses to prospect for minerals and the grant of leases of mines and minerals have been made by the Governor General in Council, and sanctioned by the Secretary of State for India in Council:—

[A. The general mining rules apply to dredging concessions. No limit has been placed by the Government of India on the area which may be taken up for dredging purposes under a prospecting license, but if the area is very large, a licensee will not be permitted to renew his license after the first year unless he has done a reasonable amount of prospecting work on it or has shown any intention of doing serious work by setting up a complete drilling outfit or a prospecting dredge on his concession for purposes of further investigation. With respect to a mining lease, the Government of India have decided not to fix a maximum ratio of length to breadth, but they have ruled that no area granted under a lease for dredging purposes should extend for more than ten miles along a stream or for more than one mile to either side of the centre of the stream, or may include more than ten square miles (G. I., C. & I., No. 438-26, dated 23rd January 1914: G. R. No. 1462, dated 14th February 1914)].

#### PART I.—GENERAL

1. No license to prospect for minerals or lease of mines and minerals can be granted by any Local Government otherwise than

\* Republished in G. N. No. 8658, dated 23rd September 1913.

† Republished in G. N. No. 3856, dated 2nd June 1899.



in accordance with these rules, except with the previous sanction of the Secretary of State for India in Council, or with that of the Governor General in Council under any general or special authority which he may have received in this behalf from the Secretary of State in Council.

[A. The principle that ordinarily concessions involving a monopoly of production or of sale to the Government or the public should be avoided must not be interpreted as intended to prevent the grant of prospecting licenses for minerals and mining leases (G. I., C. & I., No. 1456—216-A., dated 10th April 1916: G. O. No. 5056, dated 15th May 1916).]

(5)

On page 140 in rule 2 *insert* the following definition:—

‘Minerals; except where the contrary appears from context, includes natural petroleum and natural gas’.

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1925: Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No.

~~Two members reside in India, or which has a duly authorised agent resident in India.~~

3.† A certificate of approval or prospecting license or a mining lease shall be granted only to a person who is a British subject, or if the person be a company or firm, only if such company or firm is shown to the satisfaction of the Local Government to be controlled by British subjects. In the case of the death of the person or any other persons to whom the license or lease has been granted it shall inure for the benefit of his legal representatives only if they are British subjects or a company or firm shown to the satisfaction of the Local Government to be controlled by British subjects.

[A. The expression ‘British subjects’ used in this rule is intended to include the subjects of Indian States. (G. I., C. & I., No. 5205—M., dated 8th May 1917: G. O. No. 6849, dated 5th June 1917.)

B. This rule can be relaxed and mineral concessions can be granted by the Government of India, subject to the approval of the Secretary of State for India in Council, to aliens in cases in which circumstances make this desirable and in which the concession is unlikely to prejudice the future

\* The original definition was amended by G. I., C. & I., Resolution No. 263—292-7, dated 12th January 1915: G. N. No. 755, dated the 21st idem.

† This rule was inserted by G. I., C. & I., Resolution No. 182-M.D., dated 20th January 1917: G. O. No. 2072, dated 21st February 1917.

dated the 1st March 1928, the Governor-General in Council is pleased to exempt the mines, groups of mines, classes of mines, parts of mines and classes of persons specified in the first column of the annexed schedule from the operation of such provisions of the said Act as are specified in the corresponding entry in the second column thereof.

### Schedule

1. Mines of *kankar*, *murum*, laterite, gravel. All.  
sand. clay (not including kaolin, china clay or white clay), fire-clay, ochre, stone, earth, fuller's earth, barytes, bauxite, slate and lime-stone.

Provided that the depth of the excavation measured from the level of the adjacent ground

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For the passage beginning with the words "Notification of the Government of India" on page 141 and ending with the words "dated 15th December 1925)" on page 144, substitute the following:—

"Notification of the Government of India, Department of Industries and Labour, No. M. 665, dated 16th April 1930, republished in G. N. No. S.-18/6 dated the 24th idem:—

In exercise of the powers conferred by sub-section (1) of section 46 of the Indian Mines Act, 1923 (IV of 1923), as amended by the Indian Mines (Amendment) Act, 1928 (XIII of 1928), and in supersession of the notification of the Government of India in the Department of Industries and Labour, No. M.-1051,\* dated the 23rd December 1926 as subsequently amended by notifications No. M.-1051,† dated the 23rd November 1927 and No. M.-1051,‡

\*Republished at pages 146 and 147 of Part I of the *Bombay Government Gazette* dated 27th January 1927.

†Republished at page 2824 of Part I of the *Bombay Government Gazette* dated 8th December 1927.

‡Republished at page 447 of Part I of the *Bombay Government Gazette* dated 15th March 1928.

in or about—

(ii) no part of the excavation extends beneath the superjacent ground; and

(iii) the depth of the excavation measured from the level of the adjacent ground nowhere exceeds 20 feet or, in the case of an excavation for coal, 50 feet.

4. Iron-ore mines worked without mechanical power, the whole of the ore from which is supplied locally to village smelters and blacksmiths.

5. The following mines in the North-West Frontier Province, namely:—

(i) Salt mines in the Kohat district All.

(ii) Carbonaceous clay pits in the Hazara district. All.

Labour Department, No. M.-1051, dated 26th July 1924, republished in G. N. No. S.-18/6, dated the 29th *idem* :—

“In exercise of the powers conferred by sub-section (1) of section 46 of the Indian Mines Act, 1923 (IV of 1923), the Governor-General in Council is pleased to exempt the mines, groups of mines, classes of mines and parts of mines specified in the first column of the annexed Schedule from the operation of such provisions of the said Act as are specified in the corresponding entry in the second column thereof.

*Schedule.*

1	2
1. Mines of <i>kankar</i> , <i>murum</i> , laterite, gravel, sand, clay, fire-clay, kaolin (china clay), stone, earth, Fuller's earth, bauxite, slate and limestone.	All.

Provided that the depth of the excavation measured from the level of the adjacent ground nowhere exceeds 20 feet and that not more than 50 persons are employed at any one time in or about the mine :

Provided further that this exemption shall not apply to—

(a) china clay mines in the Delhi Province and the districts of Singhbhum and Jubbulpore.

(b) slate mines in the Province of the Punjab,

(c) slate mines in the Monghyr District of the Province of Bihar and Orissa,

(d) limestone mines in the Shahabad District of the Province of Bihar and Orissa,

(e) the following mines in the Central Provinces, namely :—

(i) Clay pit No. 1 in the pottery works of Messrs. Burn and Co. in the Jubbulpore District.

(ii) Clay pit Nos. 1, 2, 3 and 4 in the pottery works of the Perfect Pottery Co. at Polipathar in the Jubbulpore District.

(iii) Clay pit No. 1 in the pottery works of the Perfect Pottery Co. at Garha in the Jubbulpore District.

(iv) Limestone quarries at Katni in the Jubbulpore District.

2. Borings and oil wells ... All.

3. Mines or parts of mines in which excavation is being carried out for prospecting purposes only and not for the purpose of obtaining minerals for use or sale ... All.

Provided that—

(i) not more than 20 persons are employed in or about such excavation;

(ii) no part of the excavation extends beneath the superjacent ground; and

(iii) the depth of the excavation measured

Correction Memorandum No. 6 to the Mines Manual, Bombay  
[Revised (Second) Edition], 1927.

#### No. 54

In the Schedule on pages 142 to 144 insert in entry 9 after clause (i) the following clause, namely:—

“(ii) Stone crushing plants in the Town and Island of Bombay at which not less than twenty persons are simultaneously employed on any one day in the year in the crushing and sizing of stones. All.”

(Notification of the Government of India, Department of Industries and Labour, No. M.-1051 dated 15th January 1931, republished in G.N. No. S. 18/6 dated the 20th idem.)

~~...~~ All.

(ii) All mines in the Federated Shan States and such mines in the Tavoy and Mergui Districts as are worked under the tribute system. The provisions contained in sections 23 and 28.

(iii) The ore-dressing plant of the Burma Corporation, Ltd., at Namtu, Northern Shan States ... All.

6. The following mines in the Province of Bihar and Orissa, namely:—

(i) The coke factory of the Burrakar Coal Co., Ltd., at Loyabad, in the Manbhum District ... All.

(ii) The coke factory of the Barari Coke Co., Ltd., at Kendwadih in the Manbhum

Labour Department, No. M.-1051, dated 26th July 1924, republished in G. N. No. S.-18/6, dated the 29th *idem* :—

“In exercise of the powers conferred by sub-section (1) of section 46 of the Indian Mines Act, 1923 (IV of 1923), the Governor-General in Council is pleased to exempt the mines, groups of mines, classes of mines and parts of mines specified in the first column of the annexed Schedule from the operation of such provisions of the said Act as are specified in the corresponding entry in the second column thereof.

*Schedule.*

1	2
<p>1. Mines of <i>kankar</i>, <i>murum</i>, laterite, gravel, sar - fine clay kaolin (china clay) stone. ear - me no 50 ab  ap</p>	

~~Punjab,~~

(c) slate mines in the Monghyr District of the Province of Bihar and Orissa,

(d) limestone mines in the Shahabad District of the Province of Bihar and Orissa,

(e) the following mines in the Central Provinces, namely :—

- (i) Clay pit No. 1 in the pottery works of Messrs. Burn and Co. in the Jubbulpore District.
- (ii) Clay pit Nos. 1, 2, 3 and 4 in the pottery works of the Perfect Pottery Co. at Polipathar in the Jubbulpore District.
- (iii) Clay pit No. 1 in the pottery works of the Perfect Pottery Co. at Garha in the Jubbulpore District.

(iv) Limestone quarries at Katni in the Jubbulpore District.

2. Borings and oil wells ... All.

3. Mines or parts of mines in which excavation is being carried out for prospecting purposes only and not for the purpose of obtaining minerals for use or sale ... All.

Provided that—

(i) not more than 20 persons are employed in or about such excavation;

(ii) no part of the excavation extends beneath the superjacent ground; and

(iii) the depth of the excavation measured from the level of the adjacent ground nowhere exceeds 20 feet or, in case of an excavation for coal, 50 feet.

4. The following mines in the North-West Frontier Province, namely:—

(i) Salt Mines in the Kohat District ... All.

(ii) Carbonaceous clay pits in the Hazara District ... All.

5. The following mines in the province of Burma, namely:—

(i) Steatite mines in the Minbu District, and native precious stone mines in the Katha District ... All.

(ii) All mines in the Federated Shan States and such mines in the Tavoy and Mergui Districts as are worked under the tribute system. The provisions contained in sections 28 and 28.

(iii) The ore-dressing plant of the Burma Corporation, Ltd., at Namtu, Northern Shan States ... All.

6. The following mines in the Province of Bihar and Orissa, namely:—

(i) The coke factory of the Burrakar Coal Co., Ltd., at Loyabad, in the Manbhum District ... All.

(ii) The coke factory of the Barari Coke Co., Ltd., at Kendwadiah in the Manbhum District ... All.

- |   |        |       |
|---|--------|-------|
| (iii) The coke factory of the Eastern Coal Co., Ltd., at Bhowra in the Manbhum District   | ... .. | All.  |
| (iv) The coke factory of the Lodna Colliery Co., Ltd., at Lodna in the Manbhum District.  | ...    | All.  |
| (v) The coke factory of the East Indian Railway Co. at Giridih in the Hazaribagh District | ... .. | All." |

Also the Kharkhada Stone Quarry situated in the Kaira District of the Bombay Presidency has been exempted by the Government of India from all provisions of the Indian Mines Act, 1923. (G. I., I. & L., Notification No. M.—1051, dated 7th November 1925: G. R. No. 9210, (dated 15th December 1925.)) — See p. 141

Under the old act, mines of stone and clay were exempted, and all excavations less than twenty feet deep were also exempted. Under the new Act, mines of *kankeer*, *murum*, laterite, gravel, sand, clay, fire-clay, *kaolin* (china-clay), stone, earth, Fuller's earth, bauxite, slate and limestone are exempted, but only so long as they do not exceed twenty feet in depth and not more than fifty persons are employed therein at any one time. The exemption is in respect of minor minerals. From this exemption, however, a number of mines are excluded. Certain mines are specifically exempted. Prospecting operations are exempted, but under conditions. (G. R. No. 1724/24, dated 11th September 1924.)

**B.** The non-agricultural assessment charged under the Land Revenue Rules on occupied lands in respect of minor minerals should be termed royalty. (G. R. No. 6032, dated 25th September 1922.)

**C.** It is not open to a railway company to allow contractors to sell metal to outsiders even from quarries made over to it. (G. O. No. 5141, dated 8th May 1915.)

**D.** A specific stipulation in respect of exemption of the material quarried from payment of royalty should be embodied in the terms of contract in cases in which it is not intended to levy royalty from the contractors. It is essential that regular contracts should be entered into with contractors for the supply of metal required for public works, and the terms thereof reduced to the form of a document under the Public Works Department Code. Contractors should arrange with the revenue authorities to quarry

materials on payment of usual fees, which should be refunded by the District Collector on receipt of the necessary indent or certificate from the Executive Engineer concerned, and the system should be followed in the case of material extracted on behalf of the Public Works Department as well as of material extracted on behalf of municipalities and local boards. (G. O. No. 5141, dated 8th May 1915.)]

6. \*The issue of exploring licenses authorising the surface of land to be searched for minerals having been discontinued, the surface of unoccupied and unreserved land which is the property of Government may be freely searched without authority. In the case of occupied land search can be made only where this is permissible under the local law or rules or with the consent of the occupier.

Provided that in the case of Baluchistan and the North-West Frontier Province, no operations for the exploration of the surface of land for minerals shall be carried on, except under a license granted on such terms as the Local Administration may prescribe.

[A. The free search permitted under this rule extends only to the collection of specimens, *e.g.*, by chipping the surface of rock with a hammer, and does not include substantial disturbance of the ground by excavation or clearing.]

#### *Certificate of Approval*

7. No prospecting license or mining lease shall be granted except to a person holding a certificate of approval from the Local Government, within whose jurisdiction the land lies for which the license or lease is asked.

A. [In granting such certificates, the Local Government should satisfy itself, without making an unduly exacting inquiry, that the applicant intends to carry out *bona fide* prospecting or mining work and that he has sufficient means at his disposal to enable him to do so. For this purpose the Local Government may require applicants to state the mining experience, if any, possessed by them and whether they have received certificates of approval or mining concessions in any other province, and to adduce some evidence of their intention to carry out *bona fide* work and of their financial position. (G. L., C. & I., No. 7583—7595—121, dated 15th September 1913: G. R. No. 11393, dated 16th December 1913.)

B. A certificate can be granted in the name of any company, etc., which is included in the definition of "person" in rule 2. (G. R. No. 3270, dated 6th December 1913.)

\* Reproduced as amended by the Resolution of the Government of India, I. and L. No. M.—1213, dated 19th July 1926: *vide* G. R. and N. No. 3504—24, dated 21st August 1926.



C. Certificates of naturalisation issued under the Naturalisation of Aliens Act, No. XXX of 1852, should not be granted to aliens if there is reason to believe that their object in applying for naturalisation is to secure the right of obtaining certificates of approval for mining concessions. (G. I., C. & I., No. 11606, dated 23rd November 1916: G. O. No. 779, dated 22nd January 1917). Cases have been brought to notice in which the rigid application of this rule has operated harshly to prevent the naturalisation of aliens who were in every way fit to become British subjects, but desired *inter alia* to obtain mining concessions. The naturalisation *ad hoc* of an alien, whose only object is to be eligible for a certificate of approval is a mere evasion of rule 3 of the Rules regulating the grant of mining concessions, and should not be permitted. But a desire to obtain a certificate of approval should not be regarded as an absolute bar to naturalisation. An application for naturalisation should be judged on its merits; and if the applicant is considered on other grounds to be a fit person to become a British subject, he should also be regarded as a fit person to obtain a mining concession. (G. I., C. & I., letter No. 5603, dated 25th July 1919: G. O. No. 8789, dated 27th August 1919.)

D. For special reasons, a person might be permitted to work one mineral but not another. Formerly, for instance, persons who were not British subjects were permitted to work unreserved but not reserved minerals. Or again, it might be unwise under certain local conditions to allow a person, who was quite competent, say, to quarry manganese, to attempt to mine coal. But any such restriction should be imposed through the certificate of approval, which may, when necessary, limit the minerals which the holder is authorised to work. Such limitations, however, should not be arbitrary; and unless there is strong reason to the contrary, the certificate should be unlimited. Nor should there be any subsequent restriction. The holder of an unlimited certificate of approval, who is granted a prospecting license over any area, should be entitled to prospect for all minerals, including mineral oil, occurring therein; and under rule 32 of the Mining Rules, the right to prospect carries with it the right to a mining lease. The mining lease must, however, specify the mineral or minerals which the lessee proposes to work. (G. I., C. & I., letter No. 2094, dated 17th April 1919: G. O. No. 6145, dated 17th June 1919.)

E. The imposition of a territorial limit in the case of applicants deficient in capital or mining experience is not in accordance with the intention of the Mining Rules. If the applicant be a man of small means, he should be granted a certificate limiting his operations to minerals which do not involve a heavy capital outlay. The discovery of mineral oil being a highly technical and expensive operation, it would be advisable that it should be specifically excluded from the certificates of approval of candidates who do not possess the financial and technical qualifications required for an unlimited certificate of approval. (G. I., Industries Department, letter No. M.—915-2, dated 7th June 1922 : G. R. No. 5285, dated 26th June 1922.)]

8. A certificate of approval shall have effect from the date thereof, and shall expire at midnight on the 31st of December next following: provided that a certificate issued in the last quarter of the year shall be valid until the 31st of December of the year following. Only one person shall be named in the certificate. The fee payable therefor shall be Rs. 50, and the certificate shall cover applications in respect of minerals of all kinds.

[A. Forms of a certificate of approval and the notification announcing the grant thereof:—

*Certificate of Approval under the Rules for the grant by Local Governments of Licenses to prospect for minerals and of Mining Leases in British India.*

The Governor in Council is pleased to approve Mr. \_\_\_\_\_ as an applicant for (or the grant of) a license to prospect for minerals\* mineral oils in the Bombay Presidency.

This certificate shall expire at midnight on the 31st day of December 19 \_\_\_\_.

By order of the Governor in Council,

(Chief) Secretary to the Government of Bombay,  
Revenue Department.

*Note.*—The notification announcing the grant of this certificate will be published in the *Bombay Government Gazette* under Government Notification in the Revenue Department, No. \_\_\_\_\_, dated \_\_\_\_\_.

### *Notification.*

No. \_\_\_\_\_ —With reference to the Rules for the grant by Local Governments of Licenses to prospect for minerals

\* One of the two expressions can be scored out, or they can be joined together by the word "and" according to the circumstances of each case.

and of Mining Leases in British India, which were published in Government Notification No. 8658, dated 23rd September 1913, it is hereby notified that a certificate of approval has been granted under rule 8 of the said rules to Mr.

, an applicant for a license to prospect for minerals\* mineral oils in the Bombay Presidency.

This certificate will be in force up to midnight on the 31st day of December 19 .

By order of the Governor in Council,

(Chief) Secretary to the Government of Bombay,  
Revenue Department.]

9. A certificate of approval may be renewed at the discretion of the Local Government on payment of a fee of Rs. 10, if the application for renewal is received within one month after the date of expiry of the original certificate. Otherwise the full fee of Rs. 50 shall be charged. The Local Government may delegate to any officer, not below the rank of Collector, the power to renew a certificate of approval on payment of the prescribed fee, in any case in which the certificate-holder has carried on operations under a prospecting license or mining lease within the jurisdiction of the officer to whom the power is delegated.

[A. Forms of a renewal certificate and the notification announcing the renewal :—

*Certificate of Approval under the Rules for the grant by  
Local Governments of Licenses to prospect for minerals  
and of Mining Leases in British India.*

The Certificate of Approval granted to Mr.

on 19 to prospect for  
minerals\* mineral oils in the Bombay Presidency up to the  
31st day of December 19 †and subsequently renewed  
up to 31st day of December 19 year after year† is  
further renewed up to the 31st day of December 19 .

By order of the Governor in Council,

(Chief) Secretary to the Government of Bombay,  
Revenue Department.

*Note.*—The notification announcing the grant of this certificate will be published in the *Bombay Government Gazette* under Government Notification in the Revenue Department No. , dated .

\*One of the two expressions can be scored out, or they can be joined together by the word "and" according to the circumstances of each case.

† To be omitted in case of a first renewal.

to prospect for minerals\* mineral oils in the Bombay Presidency up to the 31st day of December 19 <sup>19</sup> and subsequently renewed up to the 31st day of December 19 year after year †, is further renewed up to the 31st day of December 19 .

(Chief) Secretary to the Government of Bombay,  
Revenue Department.

10. The names of persons to whom certificates of approval have been granted shall be published in the *Local Government Gazette*, and every application for a prospecting license or a mining lease shall contain a statement of the number and date of the *Gazette* notification of the certificate of approval.

12. ‡ Licenses or leases previously granted may be held by a grantee who is no longer in possession of a certificate of approval.

† The original rule was amended by G. L. C. & I., Resolution No. 182-M.D., dated 20th January 1917; G. O. No. 2072, dated 21st February 1917.

(6)

On page 150 in rule 13 (i) *delete* the words 'or mineral oil' where they first occur.

(ii) for the words 'any mineral or mineral oil' *substitute* the words 'any specified minerals or, in the event of no minerals being specified, all minerals'.

(Government of India, Department of Industries and Labour, Resolution No. M-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1.)

dated 15th September 1913: G. R. No. 11393, dated 10th December 1913.)

**B.** For special reasons, a person might be permitted to work one mineral but not another. Formerly, for instance, persons who were not British subjects, were permitted to work unreserved but not reserved minerals. Or again, it might be unwise under certain local conditions to allow a person, who was quite competent, say, to quarry manganese, to attempt to mine coal. But any such restriction should be imposed through a certificate of approval, which may, when necessary, limit the minerals which the holder is authorised to work. Such limitations, however, should not be arbitrary; and unless there is strong reason to the contrary, the certificate should be unlimited. Nor should there be any subsequent restriction. The holder of an unlimited certificate of approval, who is granted a prospecting license over any area, should be entitled to prospect for all minerals, including mineral oil, occurring therein; and under rule 32 of the mining rules, the right to prospect carries with it the right to a mining lease. The mining lease must, however, specify the mineral or minerals which the lessee proposes to work. (G. I., C. & I., letter No. 2094, dated 17th April 1919: G. O. No. 6145, dated 17th June 1919.)

**C.** Prospecting licenses for different minerals should not be granted to different persons in the same area. This would be possible only when one of the licensees held a limited certificate of approval; and even then it would be undesirable. (G. I., C. & I., letter No. 2094, dated 17th April 1919: G. O. No. 6145, dated 17th June 1919.)

(7)

On page 150 in rule 14 for the words 'minerals or mineral oils' *substitute* the words 'or minerals'.

(Government of India, Department of Industries and Labour, Resolution No. M-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1.)

[A. *Section 69 of the Land Revenue Code, 1879.*—"The right of Government to mines and mineral products in all unalienated land is and is hereby declared to be expressly reserved :

Provided that nothing in this section shall be deemed to affect any subsisting rights of any occupant of such land in respect of such mines or mineral products."

In accordance with No. 30 of the Land Revenue Rules, 1921 (published in G. N. No. B.—205, dated 26th January 1921), in all grants of land the right to mines and mineral products and full liberty of access for the purpose of working and searching for the same are reserved unless Government direct to the contrary and unless such right and liberty are expressly granted. Government or their assignees can carry on mining operations on lands the occupancy rights in which are vested in other parties. (G. R. No. 3504-24, dated 28th November 1925).

B. *Reservation necessary in respect of alienated lands.*—When land is transferred to the ownership of any person, so that it would come within the meaning of the term "alienated" as defined in Section 3 (19) of the Land Revenue Code, the rights of Government and the assignees in that behalf to the minerals ought to be expressly reserved. (G. R. No. 6688, dated 15th December 1879.)

C. *Rights of Talukdars over minerals existing in land in their possession.*—A Talukdar possesses no rights to mine and minerals in the lands which he holds from Government on payment of jama. Government have no objection to the disposal by the Talukdar of minor products, such as stone and kankar, occurring in their lands. When such products are required for a public purpose, they should not be removed from a talukdari holding without either the consent of the Talukdar or proper payment if such be demanded by the Talukdar. (G. R. No. 5096, dated 6th August 1898.)

D. *Mewasdars* are not the full proprietors of the soil of their lands and have no right to the minerals therein. (Memo. from L. R. No. 933, dated 13th April 1920: G. O. No. 3134, dated 12th November 1920.)

E. *Special Tenures.*—In the case of land held on special tenures and that situate in places not governed by the Land Revenue Code, 1879, the right of Government and the holders to mines and minerals is governed by the nature of

the tenure and terms of the grant on which the land is held. Rights to mines and minerals do not pass except by express grant, and even the creation of permanent, transferable and heritable rights in the land does not necessarily convey any right to mines and minerals. (I.L.R., 47-Cal., 95. G. L. No. 8666-G., dated 6th March 1924.)

F. Mineral rights in the *mafi-nishistagah* lands (revenue-free grants made to deposed Talpur Mirs of Sind in 1856 and intended to be enjoyed by them and their descendants as residences and gardens as opposed to the grant of large tracts of agricultural land called jagirs) vest in Government. (G. R. No. 975 C/G., dated 13th September 1923.)]

15. Every application for a prospecting license shall, unless the Local Government shall in any case otherwise direct, be made to the Collector of the district in which the land or some part of the land with respect to which the license is required is situate.

[A. The mining rules purport to regulate property vested in His Majesty for the service of the Government of India under the Government of India Act, 1858 (21 and 22, Vict., c. 106), section 40; the licenses are granted under the authority given by the supplemental statute of 1859 (22 and 23, Vict., c. 41), section 1; and in these circumstances an application moving a Revenue officer to grant such a license is liable to stamp duty (G. I., F. & C., No. 3964.-S.R., dated 30th July 1901: G. R. No. 5826, dated 16th August 1901). Prospecting licenses are not leases for purposes of the definition in section 2, sub-section (16), of the Indian Stamp Act, II of 1899. A license does not become a lease merely because a rental is reserved. These licenses are chargeable as agreements with a stamp duty of eight\* annas under Article 5 (c) of the first schedule to the Indian Stamp Act, II of 1899. (G. I., F. & C., letter No. 1677-S.R., dated 10th April 1902: G. R. No. 3211, dated 9th May 1902.)]

16. Every such application shall contain the following particulars, namely:—

(a) The name, profession and residence of the applicant, if he is an individual; or if the applicant is a company, syndicate, partnership or private firm, its name, and nature and place of business; and if the place of business is outside India, the name and residence of a member or duly authorised agent resident in India.

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\* Increased to one rupee by the Indian Stamp (Bombay Amendment) Act, 1922 (Bom. II of 1922).

(8)

On page 153 to rule 16 *add* the following clause :—

(c) A statement showing, in such detail as may be required by the local Government, the minerals for which the applicant intends to prospect.

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1926: Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1.)

prescribe.

[A. For the preparation of plans and maps under rules 17 and 39 fees should be levied as follows:—

(1) a fee of Rs. 5 for the map or plan, *plus*

(2) a fee of Rs. 3 *per diem* for each day's work done by a surveyor in preparing the map.

When an application is made for the preparation of a map under these rules, the Collector should have a rough estimate of the fees leviable prepared by the District Inspector and require a deposit sufficient to cover the probable cost. (G.R. No. 5798, dated 23rd June 1914).]

18. The Local Government may declare, in respect of any specified area, that in lieu of presenting an application containing the particulars required in rule 16 above, the applicant for a prospecting license shall adopt the procedure set forth below, or such modification thereof as the Local Government may prescribe :—

(1) He shall, before forwarding his application to the Collector, demarcate the area applied for in the following method :—

(a) At every angle or corner of each boundary line or as near thereto as is practicable, he shall fix pegs of substantial material, standing not less than 2 feet above the surface of the ground, and being not less than 3 inches square or 3 inches in diameter.

(b) If pegs be not obtainable, he may use instead cairns of stones or mounds of earth, having in each case a height of not less than 2 feet and a diameter at the base of not less than 2 feet.

(c) The direction of the boundary line on each side of each peg, cairn or mound shall be indicated with reasonable care by a trench having a length of 4 feet, and a breadth and depth of not less than 6 inches: provided that if trenches cannot be conveniently cut, the direction of the boundary lines shall be indicated by finger posts, or in any other manner suitable for the purpose.

(d) The pegs, cairns or mounds shall bear or have affixed thereto some distinguishing mark which shall be described in the application



(e) In the case of an application for land on the seashore, it shall not be necessary to mark out the land below highwater level.

(f) No peg, cairn, mound, or other mark employed in marking out the land applied for, shall be removed or defaced after the application shall have been filed, without the permission of the Collector.

(3)

On page 154 to rule 18 (2) add the following clause :—

(e) A statement showing, in such detail as may be required by the local Government, the minerals for which the applicant intends to prospect.

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1.)

a sketch, of the situation, boundaries and area of the land with respect to which the license is required.

(c) A description of the distinguishing mark on the pegs, cairns or mounds constructed to mark out the boundaries of the concession applied for.

(d) The date of marking out the concession applied for.

(3) The application shall be accompanied by a deposit at such rate or rates as the Local Government may by general order prescribe to meet the cost of survey of the area.

(4) Unless the Collector is of opinion that it is not expedient to grant the license, he shall, as soon as possible after the receipt of the application, cause the land applied for to be surveyed at the expense of the applicant, and the area and all other details ascertained in the course of such survey shall be presumed to be correct. Provided that the Collector may at his discretion dispense with such survey, if the boundaries of the area applied for conform to boundaries already ascertained in a Government survey, *e.g.*, the boundaries of survey numbers in a revenue survey.

19. On receipt of any application under rule 16 or rule 18 the Collector, or such officer as he may authorise to do so, shall note thereon the date and hour of its receipt, and shall deliver to the applicant an acknowledgment stating the date and hour of receipt.

[A. Applications for mineral concessions should be disposed of with as little delay as possible (G. I., C. & I., Nos. 272-27, dated 13th January 1906, and 3395-3410-30, dated 2nd May 1912: G. Rs. Nos. 1395, dated 12th February 1906, and 5520, dated 11th June 1912). It is essential that applications for prospecting licenses should be examined thoroughly and promptly and that decision should be given without unnecessary delay (G. Rs. Nos. 4523, dated 3rd May, and 10457, dated 23rd October 1907).]

20. The Collector shall then, as soon as practicable, inquire whether the grant of the license applied for is inexpedient, either on the ground that the land described in the application is required for a public purpose or otherwise.

\* 21. Should the Collector be of opinion that it is not expedient to grant the license, he shall refuse to grant it.

[A. Licenses may be granted to persons who really intend to prospect and do not ask for them merely to prevent licenses or leases being granted afterwards to others. They should not be given to railway officials or gentlemen in other permanent employ unless they can satisfy the Collector by taking long leave or otherwise, of their intention immediately to commence prospecting in earnest. No application from a railway officer employed in India for a license or lease should be entertained unless he produces the sanction of his Board of Directors to his applying for it. (G. Rs. Nos. 4397, dated 28th June 1902, 5563, dated 11th August 1902, and 10414, dated 23rd October 1907).

B. An appeal will lie to the Commissioner in Sind or to the Commissioner of the Division concerned from an order passed by the Collector under rule 21. The rules of procedure and limitation laid down in Chapter XIII of the Bombay Land Revenue Code, 1879, will, so far as may be, apply to the appeal. The order is also subject to revision by the Governor in Council subject to the same rules of procedure and limitation. (G. R. and N. No. 1191, dated 5th February 1918.)]

22. Subject to the control of the Local Government, the Collector, if he finds that the applicant is in possession of a valid certificate of approval and that there is no objection to the grant of the license applied for, may grant to the applicant a license in such form as may be prescribed.

[A. The Local Government might suitably direct that in cases in which a license is applied for over a large area, a previous reference to higher authority should be made by the Collector (G. I., R. & A., No. 19-17-3, dated 20th May 1899 : G. R. No. 4171, dated 17th June 1899).

B. In modification of previous orders (Government Resolution No. 8615, dated the 1st December 1899), Government have delegated to Collectors the power to sanction prospecting licenses for all minerals and have not limited the Collector's discretion in respect of area. The term of

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\* The original rule was amended by G. I., C. & I., letter No. 758-D, dated 22nd November 1917 : G. R. No. 1191, dated 5th February 1918.

the license now does not exceed one year, though it may be renewed for a further term of two years, if the Collector is satisfied that the longer period is necessary. The renewal should not be granted unless it is known that the first term was properly utilised, while the expiry of the term will afford an opportunity of reducing the area if other applicants are being restricted. (G. O. No. 5461, dated 8th May 1918.)

C. A Collector need not, when considering an application for a prospecting license, take into account any area outside his district, for which an applicant already holds a prospecting license, unless that area is contiguous to the area applied for in his own district and the combined area, in the other district and in his own, is larger than he considers it reasonable to grant. (G. O. No. 5461, dated 8th May 1918.)]

23. In the case of two or more applications affecting the same land, the prior right to a license shall, subject to any order to the contrary which the Local Government may in its discretion pass in any particular case, be deemed to lie with the applicant, who being the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules, shall have been the first to file his application with the Collector.

[A. As a general rule preference should be given simply to priority of application though there may be cases where exception should be made. Thus, with reference to gold mining, the original rules were interpreted so that only very small areas could be given; genuine discoverers therefore applied for these small areas. Subsequently the rules or their interpretation were altered so as to allow of larger areas being given; then others stepped in and applied for areas contiguous to those given to the original discoverers. In these cases objections of the original concessionaires to the grant of concessions to others were considered, and preference was generally given to the former (G. Rs Nos. 4523, dated 3rd May, and 10457, dated 23rd October 1907).

B. The words "subject to any order which the Local Government may in its discretion pass in any particular case", which occur in rule 23 and (with a slight modification) in rule 42 of the rules are intended to allow some discretion to a Local Government to meet cases of unfair procedure on the part of rival claimants to a concession or of hardship. The intention of the words is not to empower a local Government to subordinate the principle of priority

of application to any other considerations in determining between rival applicants for licenses or leases, but to make it possible, for instance, to refuse a license or lease to a man who has done no prospecting work himself, but, having learnt by unfair means that a prospector has made a successful find and is about to apply for a license or lease, forestalls him by filing a prior application (G. I., I. & L., letter No. M.-890, dated 21st March 1924: G. M. No. 643—24/G., dated 2nd April 1924).]

24. Every applicant shall, before the license is granted, deposit as security in respect of such license, a sum of Rs. 100 per square mile or part of a square mile of the area covered by the license, or, with the Collector's permission, give security to a like amount to the satisfaction of the Collector.

[A. The deposit payable under this rule is intended to secure the observance of the provisions of rule 30 requiring the concessionaire to make good any damage that he may have caused to the surface of the land. It is liable to be forfeited under rule 30 (VII).

B. The following is the form of bond to be used where applicants for prospecting licenses are allowed to give a bond in lieu of a deposit in cash :—

“KNOW ALL MEN by these presents that  $\frac{I}{We}$  (proposed licensees) of (hereinafter called the obligor (s) and (surety) of and (surety)

of  
are held and firmly bound unto the Secretary of State for India in Council in the sum of rupees—of lawful money of British India to the Secretary of State for India in Council, his successors or assigns or his or their certain Attorney or Attorneys for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators and representatives jointly and each of us binds himself, his heirs, executors, administrators, and representatives severally firmly by these presents SEALED with our seals dated this day of 192 WHEREAS the obligor (s) has (have) applied to the Collector of for a license to prospect for.....in the lands specified in the Schedule hereunder written AND WHEREAS it is provided by the rules prescribed by the Governor General in Council for regulating the grant by Local Governments of licenses to prospect for minerals and the grant of mining leases in British India that every applicant for a prospecting license should before the license is granted deposit as security in respect of such license a sum of Rs. 100 per square mile or part of a square mile of the area covered by the license or with the Collector's permission give security to a like amount to the satisfaction of

the Collector AND WHEREAS the said Collector of

has accepted the security of this bond in lieu of a deposit in cash and the obligor (s) and the abovenamed sureties have accordingly entered into this Bond in the penal sum of rupees with such condition as is hereinafter written Now THE CONDITION of the above written Bond is such that if the obligor(s) shall duly observe and perform the covenants and conditions of the license to be granted to him (them) and on the part of the obligor (s) to be performed and observed and if the

obligor (s) shall duly observe and comply with the said Rules so far as they relate to a prospecting license and if the said obligors shall on demand forthwith pay to the said Collector on behalf of the Secretary of State such sums of money as the Collector may from time to time order the obligor (s) to pay to him on account of compensation penalty or otherwise (1) in respect of any claims made by any person or persons against the obligor(s) or the Secretary of State for any damage or injury done by the obligor (s)

in exercise of any of the powers to be conferred by such license and (2) in respect of any damages costs and expenses which may become payable as the result of or in connection with any suits or proceedings which may be instituted against the Secretary of State in respect of any such damage or injury and (3) in respect of all expenses incurred in carrying out executing or doing any works or matters which the obligor (s) shall fail to carry out execute or do after the determination of the said license or the abandonment of the operation thereby licensed in accordance with the covenants in that behalf therein contained and the said Rules

THEN this obligation shall be void and of no effect otherwise the same shall be and remain in full force and virtue.

Signed sealed and delivered by the abovenamed."

The bond will be chargeable with stamp duty under Article 15 of Schedule I to the Indian Stamp Act and not under Article 57. (G. O. No. 7935, dated 5th August 1919.)

C. The deposit should be taken in each case when the same individual is granted licenses on several occasions (G. R. No. 9373, dated 5th December 1904). When an application is made for a license to prospect for more than one mineral, only one license need be granted to include all minerals asked for and only one deposit taken (G. Rs. Nos. 5224, dated 22nd May 1907, and 5561, dated 4th June 1908).]

25. Subject to such deduction on account of compensation for surface damage, penalty, or otherwise as the Collector may order, the amount of any deposit made under the foregoing rule, should the depositor afterwards be granted a mining lease, will be carried to his credit as part of the rents, royalties or deposit money payable under the lease. Or should he decline to receive or fail to obtain any such lease as aforesaid, the amount will be returned to him on

his satisfying the Collector that the condition in rule 30 (viii) has been complied with and on his furnishing the Collector with the information required by rule 33.

26. If a license is not executed within three months after leave has been granted for it, the right of the applicant to such license shall be held to have lapsed, unless the Local Government, for special reasons, consents to grant the same notwithstanding the delay or considers that the delay is not attributable to the applicant.

[A. Political Agents should enforce this rule and rule 46 strictly in the case of all prospecting licenses and mining leases in States under administration and bring these rules to the notice of the Darbars concerned in any case in which they may observe inordinate delay (G. C., P. D., No. 1108, dated 12th January 1909).]

27. A register of applications for prospecting licenses shall be kept in English in the Collector's Office, specifying—

- (1) Serial number,
- (2) Name of applicant,
- (3) Residence of applicant,
- (4) Date and number of certificate of approval granted to applicant

(10)

On page 159 in rule 27 (i) insert the following entry:—

- “(9) the minerals for which the applicant desires to prospect”  
 (ii) *renumber* the existing entries (9) to (13) as (10) to (14).

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1).

- (11) Fee and royalty payable under rule 30 (ii) and (iii),
- (12) Amount of deposit, and
- (13) Particulars of disposal or refund of deposit.

28. The register shall be open to inspection by any holder of a valid certificate of approval or his duly authorised representative, on payment of such fee as the Local Government may prescribe.

[A. The fees under rules 28 and 44 are fixed at the same rate as is leviable under No. 142 of the rules\* under section 213 of the Land Revenue Code (G. R. No. 11393, dated 16th December 1913).]

29. A return of licenses granted or refused shall be submitted by the Collector at such intervals and to such authority as the Local Government may direct.

\* Published in G. N. No. B-205, dated 26th January 1921.

On page 160 in rule 30 for the existing clause (i) *substitute* the following :—

“(i) The license shall be granted for such term as the applicant may desire, subject to a maximum of two years if the license grants, or includes the right to prospect for natural petroleum or natural gas and of one year in other cases. If the Collector is satisfied that a longer period is required in order to enable the licensee to complete his search of the land he may renew the license for one or more further term or terms not exceeding one year each up to a total period of three years from the date of commencement of the original license and, if the licensee is engaged in prospecting for natural petroleum or natural gas, the Collector may, in respect of those minerals only, further extend it by similar terms up to a total period of five years from the date of commencement of the original license. Provided that, when the licensee has, before the termination of the period of the license, applied for the grant of a mining lease, the Collector may further extend the period of the license until a mining lease is granted or for such time as he may deem fit.”

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1.)

A. Vigilance should be exercised in checking the carrying on of mining under cover of a prospecting license after the term has expired, and when that term is approaching completion measures should be taken for the renewal of the license, the granting of a mining lease in place of it, or the discontinuance of operations, as the case may be (G. R. No. 4249, dated 3rd May 1909). The maximum quantity of manganese ore removable in a year under a prospecting license should be 100 tons, of which 10 tons should be free of royalty and the remainder should be charged at the rate of  $2\frac{1}{2}$  annas per ton. This order should be carried out in granting licenses for prospecting in Native States under administration and brought to the notice of the Darbars of the States not under administration (G. R. No. 11543, dated 25th November 1907, and G. R., P. D., No. 720, dated 28th January 1908).

B. It is not considered necessary to restrict the area granted under the license, but in order to stop the practice of taking large concessions merely for the purpose of company promotion it is advisable for the Local Government to refuse

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\* The original sub-rule was amended by G. I., I. & L., Resolutions No. M.—75, dated 30th August 1923, 15th May 1924 and 7th August 1926 : G. Rs. No. 8920, dated 17th September 1923, No. 711-24, dated 9th June 1924 and No. 4524-24, dated 21st September 1926.

to grant large areas to any one whom they had not good reason to believe to have, not only the intention, but the means, properly to prospect the whole concession in three years. Should therefore a licensee take up a very large area he should not be allowed to renew his license after the first year unless he has done a reasonable amount of prospecting work on it or has shown an intention of doing serious work by setting up a complete drilling outfit or a prospecting dredge on his concession for purposes of further prospecting (G. L., C. & I., No. 438-26, dated 23rd January 1914 : G. R. No. 1462, dated 14th February 1914).

C The opinion of an officer of the Geological Survey should be invited on an application for extension of the term of a prospecting license for oil : G. R. No. 8920, dated 20th August 1923. It is not necessary to make such a reference when it is clear that no geological question is involved : G. R. No. 8920, dated 19th February 1925.]

- (ii) \* The licensee shall pay a fee not exceeding one rupee and not less than one anna per acre of the land covered by the license for each year or portion of a year of the term for which the license is granted. When a license is renewed under the last foregoing condition, a fresh fee shall be payable, subject to the same maximum and minimum charge, for each year or part of a year for which the license is renewed. But no fee shall be payable for an extension of the term of license under the proviso to that condition.

[A. In order to make it clear that the charge leviable under rule 30 (ii) is not to be regarded as a surface rent, the expression "fee" has been used. It is called "acreage fee" in official returns. It will be levied in all cases, and is to be regarded as the method of assessment of the right which is given to the prospector to search for the minerals underlying the land. In the case of land which is the property of Government, the payment of fee will carry with it the privilege of disturbing the surface without extra charge, subject to the reservations contained in condition (v) of rule 30. The occupier of the surface, if not Government, is indemnified by condition (iv) (G. L., C. & I., letter No. 5984-5998-165, dated 16th August 1900 : G. R. No. 10040-3-1-1

(10)

On page 161 after note A insert the following note :

B. The acreage fee charged for prospecting on forest land should be credited to the Forest Department.

(Government Resolution No. 10066/24, dated 9th December 1927.)

(Correction Memo. No. 1.)

~~and any Government, dated 9th June 1924.~~



- (iii) The licensee shall pay royalty at a rate not exceeding 15 per cent. of the value on all precious stones won and carried away, and a royalty at the rates specified in Schedule A in Part IV of these rules on all other minerals won and carried away over and above such quantity as is allowed in Schedule B to be taken free for purposes of experiment.

[A. The value of the outturn and consequent royalty can be varied according to the situation of the area exploited, and Collectors should bear this in mind when settling the conditions of prospecting licenses and mining leases (G. R. No. 11464, dated 22nd November 1907).

B. For orders as to the Departments to which rents and royalties should be credited and by which they should be collected, *vide* footnote A to rule 50 (i), p. 174 *post*.]

- (iv) The licensee shall make and pay such reasonable satisfaction and compensation, as may be assessed by lawful authority in accordance with the law in force on the subject applying to the lands over which the license has been granted, for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the license, and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage, injury or disturbance.

NOTE.—The powers necessary for the proper enjoyment of minerals, the property of Government, together with the methods according to which such powers are to be exercised by Government or by its assignees, are governed by the law for the time being in force in each province. Where the law confers such powers on the Local Government or its assignees, the Local Government may make local rules indicating the conditions on which licensees shall have right of access to minerals, the right to the use of water in connection with the working thereof, and the like.

[A. When the right to minerals has been reserved expressly or by implication, section 24 of the Indian Easements Act, 1882, would apply, and the Government would be entitled to do all acts necessary for the enjoyment of its rights. If the reservation takes the form of an exception of the minerals from a grant, no easement or right to enter upon the surface of the land for the purpose of getting at the underlying minerals can be held to arise in the absence of an express reservation of such right. If, on the other hand, the reservation be simply one of the rights to extract the minerals, such a right is not an easement, but is of the nature of what is known in English law as a *profit à prendre* (G. I., R. & A., No. 31-71-14, dated 10th September 1900: G. R. No. 6706, dated 26th October 1900). It follows from the note to rule 30 (iv) that in the absence of a local law definitely giving the Government a right to work minerals and to delegate its powers to its assignees, the owner or

occupier of the surface ground possesses the right of excluding the entry of holders of prospecting licenses or mining leases (G. I., C. & I., No. 7583-7595-121, dated 15th September 1913: G. R. No. 11393, dated 16th December 1913).

**B.** In the Bombay Presidency, it has been declared by legislation that mines are the property of Government: *vide* section 69 of the Land Revenue Code, 1879, reproduced on page 149 *ante*, and the notes below it.]

(r) The licensee shall not cut or injure any tree on unoccupied and unreserved land without the permission in writing of the Collector, or of such officer or officers as he may appoint: nor, without the permission of the Collector, shall he disturb the surface of any road, or enter on any public pleasure ground, burning or burying ground, or place held sacred by any class of persons, or interfere with any right-of-way, well or tank.

(vi)\* The licensee may, with the previous sanction of the Local Government, assign his license or transfer any right or interest thereunder, to a person holding a valid certificate of approval, subject to the condition that every such assignment or transfer shall, within three calendar months from the date of its completion, be registered in the office of the Collector on payment of a fee of fifty rupees.

[**A.** The registration under rule 30 (vi) will not dispense with the necessity for registration under the Indian Registration Act (G. I., C. & I., No. 7583—7595-121, dated 15th September 1913: G. R. No. 11393, dated 16th December 1913).

**B.** The Collector is responsible for seeing that transfers of prospecting licenses and mining leases are properly effected on formal deeds of transfer, and that the deeds, if executed (1) in England, (2) in India, are correctly stamped. It is necessary that a copy of the deed of transfer should be filed with the license or lease (G. R. No. 6378, dated 17th August 1904). A transfer of this kind will presumably assign an interest in immovable property of the value of Rs. 100 or upwards, and, if so, can only be effected by a registered deed under section 17 of the Indian Registration Act. Under section 3 (c) of the Indian Stamp Act a transfer deed executed and registered in England, as relating to property situate in British India, must, if received in India, be stamped in accordance with that Act; and section 18 allows three

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\*This sub-rule was substituted for the original rule by G. I., C. & I., Resolution No. 182-M.D., dated 20th January 1917: G. O. No. 2072, dated 21st February 1917.

months from date of first receipt in this country for that purpose. Similarly sections 17 and 49 of the Indian Registration Act require registration in accordance with the provisions of that Act, as the document relates to property situate in a part of British India in which the Act is in force; and section 26 allows four months from date of first receipt for registration of a document executed out of British India.

**C.** Article 63 of the Stamp Act provides that the transfer of a lease is to be charged as a conveyance. The stamp for a conveyance depends upon the consideration for the transfer. If no amount is mentioned the value of the original lease may be taken to be the consideration. If the transfer of a prospecting license is made *by way of sale*, it falls under the definition of "conveyance" (section 2 [10]) and under Article 23 of the first schedule of the Indian Stamp (Bombay Amendment) Act, 1922. The consideration of the conveyance is required to be stated in the instrument under section 27 of the Act (L. R. No. 1712, dated 28th July 1904: G. R. No. 6378, dated 17th August 1904). *Vide* also footnotes on page 203 *post*.

**D.** For the form of agreement for use in connection with the transfer of a prospecting license, *vide* page 217 *post*. (G. O. No. 4575, dated 22nd April 1918).]

(vi)\* In case of any breach on the part of the licensee or his transferee or assignee of any of the preceding clauses, the Collector may summarily revoke the license, and thereupon all rights conferred thereby or enjoyed thereunder shall cease; or, should he see fit, he may, in lieu thereof, declare to be forfeited to Government, the whole or any part of the deposit made by the licensee under rule 24.

[**A.** An appeal will lie to the Commissioner in Sind or to the Commissioner of the Division concerned from an order passed by the Collector under rule 30 (VII). The rules of procedure and limitation laid down in Chapter XIII of the Bombay Land Revenue Code, 1879, will, so far as may be, apply to the appeal. The order is also subject to revision by the Governor in Council subject to the same rules of procedure and limitation. (G. R. No. 1191, dated 5th February 1918).]

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\* The original sub-rule was amended by G. I. O. & I., letter No. 758-D, dated 22nd November 1917: G. R. No. 1191, dated 5th February 1918.

- (viii) Save in the case of land over which the licensee shall have been granted a mining lease on or before the determination of the license, he shall within six months next after the determination of the license or the date of the abandonment of the undertaking, whichever shall first occur, securely plug any bores and fill up or fence any holes or excavations that he may have made in the land to such extent as the Collector may direct, and shall to the like extent restore the surface of the land and all buildings thereon which he may have damaged in the course of prospecting:

Provided that the licensee shall not be compelled to restore the surface of land or any buildings in respect of which full and proper compensation has already been paid under condition (iv).

- (ix) Should any question or dispute arise regarding the license, or any matter or thing connected therewith or the powers of the licensee thereunder, or the amount or amount of the fee or royalty made payable thereby, the matter in difference shall be decided by the Local Government, whose decision shall be final.

[A. Rule 30 (ix) does not authorize Local Governments to fix the rates of royalty payable in respect of a mineral which is not specifically mentioned in Schedule A. Its intention is to confer upon Local Governments power to settle any dispute which may arise regarding the amount of royalty payable under the terms of a license already granted (G. I., C. & L., No. 4531-22-6, dated 28th August 1905: G. R. No. 7435, dated 15th September 1905).]

31. All operations conducted under the authority of these rules within a reserved or protected forest shall be subject to such conditions as the Local Government may by general or special order from time to time prescribe. It shall be a condition of every license granted under these rules that, before the commencement of prospecting within a reserved or protected forest, 30 days' notice shall be given to the District Forest Officer of the intention to commence operations, and that the operations shall be conducted subject to any conditions regarding the use of fire that he may prescribe.

[A. No term can be inserted in a prospecting license which will make the granting of a lease dependent upon the furnishing of evidence, after some preliminary prospecting, of the likelihood of the deposit being sufficiently abundant and permanent to render probable the continuance of mining operations for a considerable period, or upon the licensee satisfying Government in any other way as to the abundance, permanence or any other quality of the deposit.

Nor can rule 51 be construed so as to give the Local Government any discretion as to the granting of a lease in the case of reserved forest: Government can under this rule only make special regulations for the conduct of the licensee's operations in the case of a reserved forest, *i.e.*, the mode in which the minerals shall be worked (Adv. Genl. No. 60, dated 20th July 1916: G. R. No. 86, dated 5th January 1907). This opinion applies *mutatis mutandis* to rule 31.

**B.** As regards licenses to prospect in forest areas, the Collector should take no action until he has consulted the Conservator of Forests, and, unless the latter concurs, he should take no action without reference to the Commissioner or Government. On the question whether in any district the interests of forest or mining should prevail no general orders can be issued with advantage. The first stage is prospecting, and hence little damage can ordinarily be done. Mining is a subsequent stage of procedure; and though much damage must necessarily be done it will be confined to a very limited area, and each case should be considered on its merits after consultation with the Forest Department. No prospecting must be allowed either inside or outside forests except under license granted in accordance with the rules, and the Forest officers must be supported in preventing all avoidable injury to forests and excessive clearing. Licenses for prospecting should be issued subject to the condition that no area exceeding one guntha may be cleared of forest without the permission of the Forest Department, and no clearing may be permitted in excess of a total of one acre per square mile or such other maximum as the Forest Department may fix. Care must be taken that mining is not allowed under cover of a mere prospecting license. Licensees should be given to understand that any mining lease granted will contain conditions similar to those given below:—

(a) That no area in excess of 20 acres will be cleared of forest without the permission of the Divisional Forest Officer. Such permission will be granted from time to time in each case for an area not exceeding 20 acres, on application from the lessee to the effect that he requires the additional area for the *bona fide* and immediate extension of mining operations.

(b) That the produce of the clearing be taken over by the lessee at a valuation fixed by the Divisional Forest Officer or disposed of by the latter in such manner as he sees fit.

(c) That at the conclusion of mining operations in any area for which permission has been given under (a), such area shall revert to the Forest Department.

(d) That the lessee shall pay at the time of reversion the difference between anything he may have already paid for the value of the trees cut down or other produce cleared or removed and the capital valuation of the area in question, as it may be determined by the Forest Department, between a minimum of Rs. 200 and a maximum of Rs. 450 per acre.

(e) That the lessee will have no right to remove any other produce except the mineral ore.

(f) That he will not interfere with grazing or the removal of forest produce by the Forest Department.

(g) That he will not light any fire within Government forests (except under such conditions as the Divisional Forest Officer may specify) and his workmen will render prompt assistance in extinguishing any fire within Government forests or in their vicinity.

(h) That he will keep in repair any roads passing through the areas included in the lease.

These orders should be brought to the notice of the Darbars of the Native States not under administration and carried out in granting licenses for prospecting in States under administration (G. R's. Nos. 87, dated 5th January 1907; 11464, dated 22nd November 1907; 11543, dated 25th November 1907; and 11393, dated 16th December 1913; and G. R., P. D., No. 720, dated 28th January 1908).]

32. On or before the determination of his license, the licensee

(12)

On page 167 in rule 32 (a) *delete* the words 'a mineral oil or'.

(Government of India, Department of Industries and Labour, Resolution No. M-75, dated 9th December 1936: Government Resolution No. 711/24 dated 31st January 1937.)

(Correction Memo. No. 1.)

Such lease may include so much land, comprising the whole or a part only of the area for which the prospecting license was granted, as shall not exceed the area specified with respect to mining leases in rule 45.

[A. Rules 32 and 45 give a licensee an indefeasible right to a mining lease, provided he is not otherwise debarred

Nor can rule 51 be construed so as to give the Local Government any discretion as to the granting of a lease in the case of reserved forest: Government can under this rule only make special regulations for the conduct of the licensee's operations in the case of a reserved forest, *i.e.*, the mode in which the minerals shall be worked (Adv. Genl. No. 60, dated 20th July 1916: G. R. No. 86, dated 5th January 1907). This opinion applies *mutatis mutandis* to rule 31.

B. As regards licenses to prospect in forest areas, the Collector should take no action until he has consulted the Conservator of Forests, and, unless the latter concurs, he should take no action without reference to the Commissioner or Government. On the question whether in any district the interests of forest or mining should prevail no general orders can be issued with advantage. The first stage is prospecting, and hence little damage can ordinarily be done. Mining is a subsequent stage of procedure; and though much damage must necessarily be done it will be confined to a very limited area, and each case should be considered on its merits after consultation with the Forest Department. No prospecting must be allowed either inside or outside forests except under license granted in accordance with the rules, and the Forest officers must be supported in preventing all avoidable injury to forests and excessive clearing. Licenses for prospecting should be issued subject to the condition that no area exceeding one guntha may be cleared of forest without the permission of the Forest Department, and no clearing may be permitted in excess of a total of one acre per square mile or such other maximum as the Forest Department may fix. Care must be taken that mining is not allowed under cover of a mere prospecting license. Licensees should be given to understand that any mining lease granted will contain conditions similar to those given below:—

(a) That no area in excess of 20 acres will be cleared of forest without the permission of the Divisional Forest Officer. Such permission will be granted from time to time in each case for an area not exceeding 20 acres, on application from the lessee to the effect that he requires the additional area for the *bona fide* and immediate extension of mining operations.

(b) That the produce of the clearing be taken over by the lessee at a valuation fixed by the Divisional Forest Officer or disposed of by the latter in such manner as he sees fit.

(c) That at the conclusion of mining operations in any area for which permission has been given under (a), such area shall revert to the Forest Department.

(d) That the lessee shall pay at the time of reversion the difference between anything he may have already paid for the value of the trees cut down or other produce cleared or removed and the capital valuation of the area in question, as it may be determined by the Forest Department, between a minimum of Rs. 200 and a maximum of Rs. 450 per acre.

(e) That the lessee will have no right to remove any other produce except the mineral ore.

(f) That he will not interfere with grazing or the removal of forest produce by the Forest Department.

(g) That he will not light any fire within Government forests (except under such conditions as the Divisional Forest Officer may specify) and his workmen will render prompt assistance in extinguishing any fire within Government forests or in their vicinity.

(h) That he will keep in repair any roads passing through the areas included in the lease.

These orders should be brought to the notice of the Darbars of the Native States not under administration and carried out in granting licenses for prospecting in States under administration (G. R.'s. Nos. 87, dated 5th January 1907; 11464, dated 22nd November 1907; 11543, dated 25th November 1907; and 11393, dated 16th December 1913; and G. R., P. D., No. 720, dated 28th January 1908).]

32 On or before the determination of his license, the licensee

(12)

On page 167 in rule 32 (a) *delete* the words 'a mineral oil or'.

(Government of India, Department of Industries and Labour, Resolution No. M-75, dated 9th December 1936 : Government Resolution No. 711/24 dated 31st January 1937.)

(Correction Memo. No. 1.)

Such lease may include so much land, comprising the whole or a part only of the area for which the prospecting license was granted, as shall not exceed the area specified with respect to mining leases in rule 45.

[A. Rules 32 and 45 give a licensee an indefeasible right to a mining lease, provided he is not otherwise debarred



from receiving a lease (G. I., Industries Department, letter No. M.—922, dated 29th January 1923 : G. R. No. 530-C., dated 10th February 1923).]

33. If so required by the Collector, the licensee shall, before the deposit made under rule 24 is returned to him, disclose confidentially to the Collector all information acquired, in the course of the operations carried on under the license, regarding the minerals contained in, or the geological formation of, any area not taken up by him under a mining lease.

### PART III.—MINING LEASES.

34. Every application for the grant of a mining lease, not being a lease of a mine of precious stones, shall be presented to the Collector in whose district the land or some part of the land with respect to which the lease is required is situate. The Collector shall forward the application through the proper channel to the Local Government.

[A. There is nothing in the mining rules which makes prospecting work a condition obligatory on the prospector, if he wishes to get a mining lease (G. R. No. 11328, dated 12th December 1910).

B. Collectors may reject applications for mining leases without reference to higher authority in cases (i) where the applications do not contain the particulars prescribed by rule 38 and the applicants on being asked to amend them fail to do so; (ii) where the applicant has failed (a) to deposit the security fixed by the Collector under rule 36, or (b) to pay the fees for the preparation of the map or plan fixed under rule 39; and (iii) where an applicant proceeding under rule 40 fails to comply with the directions in that rule

(13)

On page 168 in rule 35 for the words 'minerals or mineral oils' substitute the words 'or minerals'.

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

(Correction Memo. No. 1.)

5. Although the wording of section 27 of the Bombay Court of Wards Act, 1905, is not perhaps as wide as it might be, it appears that a Court of Wards could, under that section, with the previous sanction of the Governor in Council, grant mining leases in a talukdāri estate the superintendence whereof has been assumed by that Court (Adv. Genl. No. 1, dated 2nd January 1912: G. R. No. 3447, dated 10th April 1912).]

36. With the application, the applicant shall deposit as security in respect of preliminary expenses such sum, not exceeding Rs. 500, as the Collector may determine, or, with the Collector's permission, give security to the like amount to the satisfaction of the Collector. If the application relates to an area for which the applicant holds a prospecting license, any amount held in deposit under rule 24 in respect of such prospecting license, will be carried to his account.

[A. The deposit should not be refunded without the sanction of Government. It should ordinarily be retained throughout the period of the lease; but Government will be prepared to entertain applications for the refund in cases in which the Collector may be of opinion that the security which it is intended to provide can properly be dispensed with (G. R. No. 3254, dated 30th March 1906).]

37. The amount of any deposit made under rule 36, less any expenses incurred by or on behalf of Government will, if the depositor be granted a mining lease, be carried to his credit as part of the rent or royalties payable under the lease, or if he declines or fails to obtain any such lease as aforesaid, will be returned to him.

[A. The corresponding proviso has been added in clause 1 of Part VI of the model form of Mining Lease. That proviso can be omitted only if no cash deposit has been made under rule 36 of the Mining Rules. In cases, however, where such a cash deposit has been made but the local Government intend in their discretion to omit the main clause 1 of part VI of the lease, they should include in the lease the clause drafted as a proviso, with the omission of the words "provided always and" (G. I., Department of Industries, letter No. M.—388-3 dated 2nd May 1922: G. R. No. 4079 dated the 23rd *idem*).]

38. Every application for a mining lease shall contain the following particulars, namely:—

(a) the name, residence and profession of the applicant if he is an individual, or if the applicant is a company, syndicate, private firm or partnership, its name and nature and place of business, and if the place of business is outside India, the name and residence of a member or duly authorised agent resident in India;

(b) a specification of the mineral or minerals for which the applicant intends to mine;

(c) a description illustrated by a map or plan, showing as accurately as possible the situation, boundaries and area of the land with respect to which the lease is required;

(d) a statement showing all areas within the jurisdiction of the Local Government already held by the applicant or by any person joint in interest with him in prospecting or mining right.

(e) the period for which the lease is required.

39. Should the applicant for a mining lease desire the Collector to prepare for him the map or plan required by the foregoing rule, or should the map or plan presented by the applicant be insufficient, the Collector may prepare the map or plan required, and may, if he so order, recover the cost from the applicant at such rate or rates as the Local Government may by general order prescribe.

NOTE.—It shall be competent to the Local Government by general order to direct that an accurate survey be made at the expense of the lessee of all land granted on mining lease, if a map or plan has not been already prepared by the Collector. Such survey may be made at any time after it is decided to grant the lease, the object being to secure an authoritative record of the area covered by the lease.

[A. *Vide* note under rule 17 on page 151 *ante* for orders as to the rates of fees.]

40. The Local Government may declare in respect of any specified area, that in lieu of presenting an application containing the particulars required in rule 38 above, every applicant for a mining lease over an area, in respect of which he is not already in possession of or has not submitted an application for a prospecting license, shall adopt the procedure set forth below, or such modification thereof as the Local Government may prescribe:

(1) He shall, before forwarding his application to the Collector, demarcate the area applied for in the following method:—

(a) At every angle or corner of each boundary line, or as near thereto as is practicable, he shall fix pegs of substantial material standing out not less than 2 feet above the surface of the ground, and being not less than 3 inches square or 3 inches in diameter.

(b) If pegs be not obtainable he may use, instead, cairns of stones or mounds of earth, having in each case a height of not less than 2 feet and a diameter at the base of not less than 2 feet.

(c) The direction of the boundary line on each side of each peg, cairn or mound shall be indicated with reasonable care by a trench having a length of 4 feet, and a breadth and depth of not less than 6 inches; provided that if trenches cannot be conveniently cut, the direction of the boundary lines shall be indicated by finger posts, or in any other manner suitable for the purpose.

(d) The pegs, cairns or mounds shall bear or have affixed thereto some distinguishing mark which shall be described in the application.

(e) In the case of an application for land on the sea-shore, it shall not be necessary to mark out the land below high-water level.

(f) No peg, cairn, mound, or other mark employed in marking out the land applied for shall be removed or defaced after the application shall have been filed, without the permission of the Collector.

(2) The application to the Collector shall contain the following particulars, *viz.* :—

(a) The name, profession and residence of the applicant, if he is an individual; or if the applicant is a company, syndicate, partnership or private firm, its name and nature and place of business, and if the place of business is outside India, the name and residence of a member or duly authorised agent resident in India.

(b) A description, as accurate as possible, and illustrated by a sketch, of the situation, boundaries and area of the land with respect to which the lease is required.

(c) A description of the distinguishing mark on the pegs, cairns or mounds constructed to mark out the boundaries of the concession applied for.

(d) The date of marking out the concession applied for.

(e) A specification of the mineral or minerals for which the applicant intends to mine.

(f) A statement showing all areas within the jurisdiction of the Local Government already held by the applicant or any person joint in interest with him in prospecting or mining right.

(g) The period for which the lease is required.

(3) The application shall be accompanied by such deposit, in addition to that prescribed in rule 36 above, as the Local Government may by general or special order declare to be required to meet the cost of survey of the area.

(4) The Collector shall, as soon as possible after the receipt of the application, cause the land applied for to be surveyed at the expense of the applicant, and the area and all other details ascertained in the course of such survey shall be presumed to be correct.

41. On receipt of any application under rule 38 or 40 above, the Collector, or such officer as he may authorise to do so, shall note thereon the date and hour of its receipt, and shall deliver to the applicant an acknowledgment stating the date and hour of receipt.

42. In the case of two or more applications affecting the same land and presented by applicants who are not in possession of, or have not applied for, prospecting licenses in respect thereof, the prior right to a lease shall, subject to any order which the Local Government may pass in any particular case, be deemed to lie with the applicant who, being the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules, shall have been the first to file his application with the Collector.

[*Vide* notes under rule 23 on pages 154-155 *ante*.]

43. A register of applications for mining leases shall be kept in English in the Collector's Office specifying, as far as may be, the

matters prescribed by rule 27 for the register of applications for prospecting licenses.

44. The register shall be open to inspection by any holder of a certificate of approval or his duly authorised representative on payment of such fee as the Local Government may prescribe.

[*Vide* note under rule 28 on page 157 *ante*.]

45. On receipt of the application from the Collector, the Local Government may, if the applicant is entitled to a lease under rule 32, or if it considers that the applicant should be granted a mining lease, grant the same in accordance with these rules over such area as it may think fit.

\* Provided that no mining lease shall be granted by the Local Government under these rules so as to cause the total area held under mining leases for minerals of whatsoever kind, other than natural petroleum (including natural gas), by the lessee or by those joint in interest with him to exceed ten square miles within the territories administered by the Local Government.

Provided also that in the case of petroleum, the Local Government shall not grant to any one lessee or those joint in interest with him leases for any area exceeding 150 square miles within the territories administered by it.

[A. Rules 32 and 45 give a licensee an indefeasible right to a mining lease, provided he is not otherwise debarred from receiving a lease. (Government of India, Industries Department, letter No. M-922, dated 29th January 1923: G. R. No. 530-C., dated 10th February 1923.)

B. Mining leases for different minerals should not be granted to different persons in the same area, unless the original lessee is preventing the exploitation by others of minerals not included in his lease, which he is unable to work himself. In such cases, Part IV-1 of the model mining lease might properly be enforced (G. I., C. & I., letter No. 2094, dated 17th April 1919: G. O. No. 6145, dated 17th June 1919).

C. Whenever a mining lease is executed by the Local Government, the lessee should be informed of his responsibilities under section 14 of the Indian Mines Act, 1923, and supplied with a form showing the heads under which information is to be given (to the District Magistrate). (G. I., R. & A., No. 20-45-12, dated 1st August 1901, and G. I., C. & I., No. 4-129-2, dated 22nd March 1905: G. Rs.

\* The original rule was amended by G. I., I. & L., Resolutions No. M-75, dated 30th August 1923, 15th May 1924 and 7th August 1926: G. Rs. No. 8920, dated 17th September 1928, No. 711/24, dated 9th June 1924 and No. 4524-24, dated 21st September 1926.

Nos. 6182, dated 3rd September 1901, and 3209, dated 18th April 1905).]

(14)

On page 173 in rule 45-A after the words 'natural petroleum' insert the words '(including natural gas)' in each case.

(Government of India, Department of Industries and Labour, Resolution No. M.-75, dated 9th December 1926 : Government Resolution No. 711/24, dated 31st January 1927.)

shall not exceed 150 square miles in the case of natural petroleum or ten square miles in the case of minerals other than natural petroleum.

46. If a lease is not executed within six months after leave has been granted for it, the right of the applicant to such lease shall be held to have lapsed, unless the Local Government for special reasons consents to grant the same notwithstanding the delay, or considers that the delay is not attributable to the applicant.

*Note.*—Every lease shall, before it is executed, be approved by the Advocate General or other legal adviser, if any, appointed for the Province.

[A. The terms of mining leases should invariably be settled by the law officers of Government, who should be required to see that they provide for all the obligatory conditions and stipulations of the mining rules (G. L. R. & A., No. 19-17-3, dated 20th May 1899 : G. R. No. 4171, dated 17th June 1899).

B. Cases which relate to drafting and conveyancing, and connected with such miscellaneous matters as mining, should not be sent to the Solicitor to Government but should be referred to the Remembrancer of Legal Affairs (G. R., L. D., No. 1501, dated 6th July 1925).

C. [*Vide note under rule 26 on page 157 ante.*]

47. Without the previous sanction of the Governor General in Council, the length of an area held under the mining lease shall not be allowed to exceed four times its breadth.

Provided that this rule shall not apply to areas in river beds held on lease for dredging purposes, in respect of which the Local Government may, with the sanction of the Governor General in Council, make rules as to the dimensions and shape of areas for which such leases may be granted.

Provided also that the Governor General in Council may delegate to the Local Government the power to grant exemption from the

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\* Rule 45-A was introduced by G. L. I. & L., Resolution No. M.-1150, dated 6th June 1925 : G. R. No. 4079, dated 13th July 1925.

operation of this rule in respect of specified minerals and subject to such restrictions as to limit of length or otherwise as he may think fit.

[A. The following general principles are laid down for the guidance of Collectors in determining the area which should be included in a single mining lease. An applicant must apply for a compact area. He cannot be permitted to exclude from the area applied for strips of dead or less profitable land intervening between mineral-bearing patches situated in proximity to one another. If the different plots of mineral-bearing ground are so distant from one another as to make it impracticable to include them all in the "area" for which application is made, then a separate application and a separate lease for each such plot will be necessary (G. O. No. 6214, dated 18th May 1917).

B. With regard to dredging leases, the Government of India have decided not to fix a maximum ratio of length to breadth; but no area granted for dredging purposes should extend for more than ten miles along a stream or for more than one mile to either side of the centre of the stream or may include more than ten square miles (G. I., C. & I., No. 438-26, dated 23rd January 1914: G. R. No. 1462, dated 14th February 1914).

C. The power referred to in this proviso has been delegated by the Government of India to the Local Government, who are authorized to relax the rule without any restriction in regard to the nature of the mineral or the shape of the area in question, subject to the condition that in every case in which it is proposed to relax the rule the previous assent of the Director, Geological Survey of India, is obtained and that any case in which the local Government differ from the opinion of the Director is referred for the orders of the Government of India (G. I., I. & L., No. M.-848, dated 26th March 1924: G. R. No. 686/24, dated 15th April 1924).]

48. The boundaries below the surface of all areas given out on mining lease under these rules shall be considered to run vertically downwards towards the centre of the earth.

[A. Lateral underground encroachment is not permissible beyond the limits of the mines, etc., demised by the lease (G. I., R. & A., No. 2523-60-4, dated 11th December 1901: G. R. No. 373, dated 18th January 1902).]

49.\* The term for which a mining lease may be granted shall not exceed 30 years, but the lease may contain a clause permitting renewal for a period not exceeding 30 years, on a dead and surface rent not exceeding twice the original dead and surface rent respectively, the royalty payable being that which may, on the day next following that on which the original lease shall determine, be in force under the orders of competent authority; in the case of iron-ore the original lease may also contain a clause permitting a second renewal for a further period not exceeding 30 years on a dead and surface rent not exceeding twice the dead and surface rent respectively fixed for the first renewal of the lease, the royalty payable being that which may, on the day next following that on which the first renewal shall determine, be in force under the orders of competent authority.

50. Every mining lease shall contain such conditions and stipulations as the Local Government may in each case consider necessary; and shall in every case contain the following conditions, namely :—

(i) The lessee shall pay a royalty or royalties at the rate specified in the lease, which rate or rates shall be those fixed for the particular mineral or minerals in Schedule A in Part IV of these rules; and if any other mineral shall be discovered by him, then the royalty shall be paid therefor at such rate, not being less than 20 per cent. of the value thereof, as the Local Government may determine, until a mining lease has been obtained in respect of such mineral; but the lessee shall be entitled within twelve months from the discovery of such mineral to require and obtain such lease for the term then unexpired of his original lease; provided that, if he declines to take a lease as above provided, the Local Government may give a lease in respect of such mineral to any other person.

[A. Rents and royalties should be credited to the department whose land is exploited, the local fund cess on royalties and on rents levied under mining leases being in all cases credited to Local Funds. The actual assessment and collection should be undertaken by the Department—Revenue or Forest—which will be credited with the proceeds. In mixed areas the Department owning the larger area exploited should be entrusted with the whole of the work; if either Department can lay claim only to a share which is less than one anna in the rupee, the whole should go to the other Department (G. R. No. 11754, dated 29th November 1907).

B. Local Fund Cess should be levied on all rents and royalties payable under mining leases, but not on rents pay-

\* The original rule was amended by G. L., I. & L., Resolution No. M.-815, dated 19th March 1924; G. R. No. 711-24, dated 11th April 1924.



able under prospecting licenses (G. R. No. 8513, dated 3rd December 1905).

C. Where the Collector as manager on behalf of a Talukdar has made an agreement with holders of mining leases that they shall pay local fund cess on the mining rents and royalties to the Local Board (this cess depending on the agreement, not on the Local Fund Act), the cess should go to the District Local Board and not to the Talukdar (L. R. No. 2368, dated 6th September 1912: G. R. No. 1123, dated 5th February 1913).]

(ii)\* The lessee shall also pay for every year after the first year a fixed yearly dead rent at a rate not less than that laid down in Schedule C in Part IV of these rules; provided that no lessee shall pay both royalty and dead rent in respect of the same lease, but only such one of them as may be of the greater amount; and provided further in the case of leases for iron-ore that when a lessee is granted more than one such lease he may, if he so desire, claim that for the purpose of determining whether royalty or dead rent is payable, all such leases granted to him shall be treated as one concession. In that event he shall be liable to pay dead rent only when the sum of the royalties paid by him in respect of such leases for the year is less than the sum of the dead rents assessed under those leases or is less than such other amount as the local Government, having regard to the circumstances of the case, may fix as the combined dead rent in respect of all the leases; and the amount of dead rent so payable shall be the amount by which the sum of the royalties paid for the year falls short of the sum of the dead rents or the combined dead rent so determined.

(iii)† The lessee shall also pay for all land which he may use or occupy superficially for the purpose of the mine a surface rent at the rate specified in Schedule D.

[A. The dead rent should be levied for the whole of the area covered by the lease and surface rent should be charged for the area actually occupied for surface operations. This should be made clear in the lease: L. R.'s memo. No. 261 dated 30th January 1918: G. O. No. 1637 dated 18th February 1918.]

(iv) The lessee shall at his own expense erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in a plan annexed to his lease.

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\*The original sub-rule was amended by the G. I., I. & L., Resolution No. M-815, dated 19th March 1924: G. R. No. 711-24, dated 11th April 1924.

† The original sub-rule was amended by G. I., I. & L., Resolution No. M.—1121, dated 6th May 1925: G. R. No. 2186-21, dated 1st July 1925.

(v) The lessee shall make and pay such reasonable satisfaction and compensation, as may be assessed by lawful authority in accordance with the law in force on the subject applying to the lands over which the lease has been granted, for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease, and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage, injury or disturbance.

NOTE.—The powers necessary for the proper enjoyment of minerals, the property of Government, together with the local law to which such powers are to be exercised by Government or by its assignees, are governed by the law for the time being in force in each province. Where the law confers such powers on the Local Government or its assignees, the Local Government may make local rules indicating the conditions on which lessees shall have right of access to minerals, the right to use water in connection with the working thereof, and the like.

[A. *Vide* notes under rule 30 (iv) on pages 160-161 *ante*.]

B. The holders of certain inām lands, over which mining rights were not possessed by Government but which were included in the mining leases granted by Government to a company in the Dhārwar District, having expressed willingness to enter into agreements to receive from Government rent and royalty in proportion to the amount of land owned by them, the following form of agreement was prescribed for execution by those holders with Government. The stamp-duty on these agreements was borne by Government as a special case :—

“WHEREAS by a mining lease bearing date the      day of —19      and made between the Secretary of State for India in Council of the one part and the      (Company) of the other part the Secretary of State for India in Council has purported to lease to the said      (Company) certain property in the said lease more particularly described. AND WHEREAS the property so purported to be leased comprises amongst other land certain inām land in the schedule hereto described and standing in my name. AND WHEREAS I contend that the said Secretary of State for India in Council has no power or right to lease or grant the mining rights in the said inām land and that the said lease is not binding on me or on my rights in the said inām lands NOW IN CONSIDERATION of the Secretary of State for India in Council having agreed to pay to me during the continuance of the said lease so much of the dead rent surface rent and royalties received by the Government of Bombay from the said      (Company) under the said lease as shall bear the same proportion to the whole amount received by the said Bombay Government from the said      (Company) as the area of my said inām land does to the whole area purported to be leased

by the said lease I HEREBY AGREE and covenant with the said Secretary of State for India in Council that I will allow the said inam land to be worked and enjoyed by the said (Company) under and in accordance with the terms of the said lease which have been read over and explained to me and will not raise any objection or make any claim by reason of the said inam land having been included in the said lease and will treat the said land as validly leased by the said lease to the—(Company).

As witness my hand this       day of       19       . (G. R. No. 5758, dated 8th June 1907).]

(vi) The lessee shall not cut or injure any tree reserved in the lease.

(vii) \*The lessee may, with the previous sanction of the Local Government, assign his lease or transfer any right or interest thereunder, subject to the condition that every such assignment or transfer shall, within three calendar months from the date of its completion, be registered in the office of the Collector on payment of a fee of fifty rupees.

(viii)† Unless good cause exists for exemption from this condition, a question on which the decision of the Local Government shall be final, the lessee shall commence operations within one year from the date of the execution of the lease and shall thereafter carry them on effectually in a proper, skilful and mining like manner. Should the lessee cease without such cause to work the mine for a period exceeding two years in such a manner as to produce sufficient mineral to earn a royalty at least equal to the dead rent, it shall be deemed a breach of this condition.

NOTE.—For the purpose of the first part of this condition such measures as the erection of machinery for the purposes of working the mine, although not necessarily on the land covered by the lease, or the construction of roads or tramways in connection with the mine, shall be deemed to be sufficient compliance with the requirement of commencing operations.

[A. In granting oil mining leases the conditions prescribed in the letters from the Government of India Nos. 5-72-1-Conf., dated 23rd March 1905, and 1810-1821, dated 8th March 1906, and by rule 50 (viii) should be specially kept in view (G. I., C. and I., No. 2243-2252-29, dated 3rd March 1908: G. R. No. 2951, dated the 20th *idem*; *vide* also G. Rs. No. 6588-173-Conf., dated 29th August 1904, No. 3212-74-Conf., dated 18th April 1905, and No. 3195, dated 29th March 1906.) ]

\* The original sub-rule was amended by G. I., C. & I., Resolution No. 182-M.D., dated 30th January 1917 (G. O. No. 2072, dated 21st February 1917) and by G. I., I. & L., Resolution No. M-1140, dated 6th June 1925 (G. R. No. 4079, dated 13th July 1925).

† The original sub rule was amended by G. I., C. & I., Resolution No. M. 815, dated 19th March 1924: G. R., No. 711-24, dated 11th April 1924.

(ix) The lessee shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mine and the number of persons employed therein, and also complete plans of the mine, and shall allow any officer authorised by the Local Government in that behalf at any time to examine such accounts and plans, and shall furnish the Local Government with such information and returns in respect of the aforesaid matter as it may prescribe.

(x) The lessee shall allow existing and future license or lease-holders of any land, which is comprised in or adjoins or is reached by the land held by the lessee, reasonable facilities of access thereto.

(xi) The lessee shall allow any officer authorised by the Local Government in that behalf to enter upon the premises comprised in the lease for the purpose of inspecting the same.

(xii) The lessee shall without delay report to the Collector the discovery on or within any of the lands or mines demised by the lease of any minerals not specified in the lease.

(xiii) Should the royalty or rent reserved or made payable by the lease be not paid within two months next after the date fixed in the lease for the payment of the same, the Local Government may enter upon the said premises and distrain all or any of the minerals or moveable property therein, and may order the sale of the property so distrained or so much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof; and, if any royalty or rent remain at any time unpaid for six calendar months after the date on which it is due, the Local Government may determine the lease and take possession of the premises comprised therein.

(xiv) In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the Local Government may determine the lease and take possession of the said premises; or, in the alternative, may accept payment of a penalty, not exceeding twice the amount of the annual dead rent, from the lessee.

(xv) At the end or sooner determination of the lease, the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workman-like state, save in respect of any working as to which the Local Government may have sanctioned abandonment.

(xvi) Should any question or dispute arise regarding the lease or any matter or thing connected with the mines and minerals leased or the working or non-working thereof or the amount or payment of the royalty or rent reserved or made payable by the lease, the matter in difference shall be decided by the Local Government, whose decision thereon shall be final.

[A. For the purpose of reconciling sub-rules (v) and (xvi) of rule 50, the latter sub-rule should be construed as not

applying to the method of the assessment of compensation which is specifically provided for by the former sub-rule (G. O. No. 2130, dated 20th February 1915). *Vide* also the note under rule 30 (ix) on page 163 *ante*.]

51. All operations conducted under the authority of these rules within a reserved or protected forest shall be subject to such conditions as the Local Government may by general or special order from time to time prescribe. It shall be a condition of every lease granted under these rules that before the commencement of work within a reserved or protected forest, 30 days' notice shall be given to the District Forest Officer of the intention to commence operations, and that the operations shall be conducted subject to any conditions regarding the use of fire that he may prescribe.

(15)

On page 189 after rule 54 insert the following new Part and rules:—

*Part III-A—Miscellaneous*

“55. When both an application or applications for a prospecting license and an application or applications for a mining lease are presented in respect of the same area, the applicant or applicants for a mining lease not being in possession of a prospecting license in respect of that area, the prior right to the concession whether license or lease, shall, subject to any order which the local Government may pass in any particular case, be deemed to lie with the applicant who, being the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules shall have been the first to file his application with the Collector. Provided that if the prior right to the concession is held to lie with an applicant for a lease the local Government may, in its discretion, grant him a license instead”.

“56. In cases where a prospecting license or mining lease has been cancelled, the local Government may, notwithstanding anything to the contrary hereinbefore contained, offer a fresh concession, either in the form of a prospecting license or a mining lease, over the whole or a portion of the area covered by the original license or lease and may sell such concession by auction or private treaty or by any other method which they consider to be suitable.

Provided that—

(i) the person to whom the concession is sold shall be the holder of a valid certificate of approval;

(ii) save for the payment of an initial premium the terms of sale shall conform in every respect to the provisions of rules 24-26 and 30-33 in the case of a prospecting license and to the provisions of rules 45-54 in the case of a mining lease, as the case may be’.

(Government of India, Department of Industries and Labour, Resolution No. M-75, dated 9th December 1926; Government Resolution No. 711/24, dated 31st January 1927.)

Natural Petroleum	... 5 per cent. on the well-head value (convertible at the option of the local Government to an equivalent charge per 40 gallons to be fixed annually) subject to a minimum of 8 annas per 40 gallons.
Natural Gas ...	... If sold by the licensee or lessee or if utilized by him for any other purpose than the production of natural petroleum or natural gas—5 per cent. on the well-head value. On gas converted into gasoline, the well-head value shall be calculated on the volume of gasoline manufactured: it shall be deemed to be equivalent to the selling value of the gasoline less the cost of manufacture and the royalty shall be subject to a minimum of 8 annas per 40 gallons of gasoline manufactured. Provided that the 5 per cent. royalty rate shall be convertible at the option of the local Government to an equivalent charge per 40 gallons of gasoline (not being less than 8 annas) or per 1,000 cubic feet of gas, as the case may be, to be fixed annually.
Oil shale*—(a) Where the oil is extracted by the licensee or lessee within the territories administered by the Local Government granting the concession.	8 annas per 40 gallons of crude oil obtained therefrom.
(b) In other cases	... Re. 1 per ton of shale mined.
Gold and silver	... 7½ per cent. on the profits† of each year taken separately or 2½ per cent. on the gross value, at the option of the Local Government.

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\* Inserted by G. L. I. & L., Resolution No. M.—1100, dated 12th February 1925; G. R. No. 711—24, dated 18th March 1.25.

† Profits shall be taken to mean the excess of the revenue which is wholly derived from the sale of the mineral or minerals specified over expenditure, after all costs and expenses chargeable to the actual working and management of the mine shall have been included. But neither depreciation nor amortization nor Director's fees, nor any revenue or expenditure obtained or incurred on account of share or capital transactions, or by trading, shall be brought into the account, provided that the fees of such Director or Directors or as may actually direct technical operations and are specifically denoted as Managing Director or Managing Directors may be included in expenditure.

Iron-ore intended to be used for the extraction of iron.*	One anna per ton of iron-ore during the year† for which the tariff valuation of imported pig-iron has been fixed at Rs. 65 per ton or less. When the tariff valuation exceeds Rs. 65, one anna will be added to the royalty rate for every increase of Rs. 15 or part thereof in the tariff valuation.
	Should the tariff valuation of pig-iron become fictitious owing to the cessation of imports or to any other cause, a point on which the decision of the Government of India shall be final, the market value of pig-iron for the purpose of the assessment of royalty shall be determined by the Government of India.
Iron-ore in Burma when intended to be used solely for fluxing purposes *	Half anna per ton of iron-ore.
Precious stones ...	30 per cent. on the net profits‡ of each year taken separately (for mining leases only).
All other minerals not specified above.	2½ per cent. on the sale value at the pit's mouth, or on the surface, of the dressed ore or metal, convertible at the option of the Local Government to an equivalent charge per ton to be fixed annually or for a term.

[A. In the case of renewals of existing licenses or leases for coal, the prescribed revised rate of royalty should be charged, provided there is nothing in the previous lease to prevent this being done (G. I., F. & C., No. 7583-7595—121, dated 15th September 1913 : G. R. No. 11393, dated 16th December 1913).

B. When separate leases have been granted and are worked as distinct undertakings, the profits may be calculated on each lease separately ; but where, though separate leases have been obtained for adjoining blocks, they have been amalgamated into and are worked as one concern, the

\* The original item was amended by G. I., I & L, Resolution No. M. 315, dated 19th March 1924 : G. R. No. 711-24, dated 11th April 1924.

† Note.—Tariff valuation is fixed in December for the following calendar year, but the Local Government may, at their discretion, assess the royalty for the financial year beginning on the 1st April on the basis of the Tariff valuation fixed in the preceding December.

‡ Vide foot-note against "profits" in the item "Gold and Silver" on page 179 *ante*.

profits may be calculated on the income and expenditure of the whole undertaking (G. R. No. 1387, dated 10th February 1908).

C. Soapstone, talc and potstone are included in the general heading "all other minerals" (G. L. No. 4538, dated 14th May 1914).

D. For chromite the rate of royalty should be 6 annas a ton. It may be found desirable to protect chrome supplies, should there be any signs of depletion. A clause should therefore be inserted in licenses and leases reserving to Government the power of raising the rate with a rise in the current market rates (G. I., C. & I., No. 6437-145, dated 10th July 1908 : G. R. No. 7769, dated the 30th *idem*).

E. In the case of mineral oil (natural petroleum), both the rates of royalty (8 annas per 40 gallons or 5 per cent. *ad valorem* on gross value) should be entered in the license or lease, and the option of charging either of the two rates rests with the local Government. A legal difficulty, however, arises, as in the absence of a definite protecting clause, an option once exercised is irrevocable. It is therefore necessary that the royalty clause should be so worded as to reserve to the local Government the right to revoke the option during the currency of the license or lease on giving sufficient notice. In the case of a lease, a year's notice would appear to be reasonable. In granting licenses and leases for oil, the royalty clause should be drawn up on the lines indicated above. (Government of India, Industries Department, letter No. M.—870—6, dated the 26th June 1922. Government Resolution No. 5439, dated the 8th July 1922).

F. The sliding scale of royalty on manganese ore has been abandoned and now royalty is assessed at the rate of  $2\frac{1}{2}$  per cent. on the sale-value of the ore at the pit's mouth. In order to facilitate the determination of the sale-value of the ore at the pit's mouth, the half-yearly returns should be submitted by the mining concessionaires on the 1st March and the 1st September in each year so as to allow a full period of two months after the expiry of the half-year for which information is required. The form of the return has been revised and two separate forms have been prescribed for adoption by concessionaires according to the method of sale. The forms are as follows :—



(For sales on terms f. o. b.)

192

184

(For sales on terms f. o. r.)

192

**Tonnage.**

Form No. I should be used by concessionaires who rail their ore direct to the sea-ports for shipment, and the royalty paid in this case will relate to ore railed from each mine during the half-year in question, but the pit's mouth value will be calculated on the price received or estimated for the ore shipped during the same period. The form will show—

(a) the average estimated units in the ore of the mine ;

(b) the average f.o.b. price per unit prevailing during the half-year to which the return relates ; and

(c) the price per ton f.o.b. calculated therefrom.

An average analysis of the ore based on the information received up to the date of the submission of the return, or, if any firm does not consider the information received during the period to be a sufficient guide, the firm's own estimated analysis of ore shipped, will be accepted. It is believed, however, that as the concessionaires will not have a full period of eight months within which to receive actual figures of analysis, there will ordinarily be available data sufficiently accurate to form a basis for the purpose of calculating royalty. The price per unit of all sales is known at the time of shipment, and the average analysis and the average f.o.b. price calculated therefrom will then be applied as a flat rate to all the mines of each concessionaire, and the royalty calculated on the ore railed during the period covered by the return. In other words, the net result will be that in respect of the ore railed during the half-year covered by the return, the average price based on the average analysis of the ore shipped during that period will be applied.

Form No. II is intended for concessionaires who sell their ore on terms of delivery at rail-head and omits all reference to charges incidental to shipment. It will show the quantity of ore actually sold f.o.r. during the half-year, and royalty in this case will be levied on the pit's mouth value of the ore actually railed from the mine during the period covered by the return.

In submitting the returns the concessionaires may use either or both the above forms according to their needs.

(Letter from the Government of the Central Provinces, Commerce and Industry Department, No. 961—690—XIII, dated the 24th April 1922. G. M. No. C.—696-G, dated the 22nd May 1922.) ]

## SCHEDULE B.

*Maximum quantities removeable free of royalty—Rule 30 (iii).*

Class A.—Separated gold, platinum and other precious metals occurring in the native state. *Nil.*

- „ B.—Auriferous rock and gravel ... .. 2 tons.
- „ C.—Metalliferous ores, such as those worked for 10 „  
aluminium, iron, manganese.
- „ D.—Metalliferous ores, such as those worked for 5 „  
antimony, arsenic, bismuth, chromium,  
copper, lead, nickel, tin, titanium, tung-  
sten, zinc.
- „ E.—Metalliferous ores, such as those worked for 2 „  
cadmium, cobalt, mercury, molybdenum,  
silver, thallium, vanadium.
- „ F.—Compound ores, containing the metals of 5 „  
class E in smaller quantities than those of  
class D.
- „ G.—Concentrates of the ores enumerated in 2 cwts.  
classes D to F.
- „ H.—\*Coal, lignite and oil shale ... .. 50 tons.
- „ I.—†Natural Petroleum ... .. 200 gallons.
- „ J.—Minerals of the so-called 'rare earths,' such 1 ton.  
as minerals worked specifically for caesium,  
cerium, columbium, didymium, erbium,  
gallium, germanium, indium, lithium,  
niobium, rubidium, tantalum, thorium,  
uranium, yttrium and zirconium.
- „ K.—Minerals used in agriculture and chemical 10 tons.  
manufactures, such as bauxite, gypsum,  
iron pyrites, and pyritous shales.
- „ L.—Minerals used in various arts, such as ½ ton.  
barytes, bitumen, borax, corundum, emery,  
felspar, fluor spar.
- „ M.—Asbestos, graphite, mica and native sulphur... 1 cwt.
- „ N.—Precious stones and gems, such as agate, *Nil.*  
amber, amblygonite, amethyst, aqua-  
marine, beryl, chrysoberyl, chrysolite, dia-  
mond, emerald, garnet, jade and jadeite,  
jasper, lapis lazuli, moon stone, opal, ruby,  
sapphire, spinel, topaz, tourmaline, and  
turquoise.

\* The original class H was amended by G. I., I. & L., Resolution No. M.-1100, dated 12th February 1925 : G. R. No. 711/24, dated 18th March 1925.

† The original class I was amended by G. I., I. & L., Resolution No. M.-75, dated 15th May 1924 : G. R. No. 711/24, dated 9th June 1924.

## SCHEDULE C.\*

*Minimum Dead Rent—Rule 50 (ii).*

Mineral.	Dead rent per acre (minimum).
(1) Coal, lignite minerals used in agriculture and chemical manufactures such as bauxite, gypsum, iron pyrites and pyritous shales.	} 4 annas per acre.
(2) Gold and silver, precious stones and all minerals [not included in (1) above except iron-ore and natural petroleum.]	
(3) Iron-ore. ...	} 1 rupee per acre.
(4) Natural Petroleum (including natural gas)—	
	1 anna per acre.
For areas held under leases within the territories administered by any one Local Government :—	
For leases of areas not exceeding a total of 10 square miles.	} Re. 1 per acre.
For leases of areas exceeding 10 square miles but not exceeding 50 square miles.	
For leases of areas above 50 square miles but not exceeding 100 square miles.	Re. 1 per acre for the first 10 square miles.
	Rs. 2 per acre for the excess over 10 square miles.
	Re. 1 per acre for the first 10 square miles.
	Rs. 2 per acre for the next 40 square miles.
For leases of areas exceeding 100 square miles.	Rs. 5 per acre for the excess over 50 square miles.
	Re. 1 per acre for the first 10 square miles.
	Rs. 2 per acre for the next 40 square miles.
	Rs. 5 per acre for the next 50 square miles, and Rs. 10 per acre for the excess over 100 square miles.

NOTE.—These minima are purposely fixed low; but they are liable to be largely exceeded according to the value of the deposit and degree of development of the country.

\*The original schedule C was amended by G. I., I. & L., Resolution No. M.-75, dated 30th August 1923 (G. R. No. 8920, dated 17th September 1923) and by G. I., I. & L., Resolution No. M.-75, dated 15th May 1924 (G. R. No. 711-24, dated 9th June 1924).

## SCHEDULE D.\*

*Surface Rent—Rule 50 (iii).*

The rent rate assessable under the revenue and rent law of the Province. If no such rent is so assessable, the rate which may be fixed by Government, subject to a maximum of one rupee and a minimum of four annas per acre.

Rent rate for the purpose of this schedule shall, unless the Local Government otherwise direct, be deemed to include water rate ordinarily assessable under any irrigation rules which would apply to the land, if it had not been occupied for mining.

[The dead rent should be levied for the whole of the area covered by the lease and surface rent should be charged for the area actually occupied for surface operations. This should be made clear in the lease: L. R.'s memo. No. 261 dated 30th January 1913: G. O. No. 1637 dated 18th February 1918.]

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GRANT OF PROSPECTING LICENSES AND MINING  
LEASES BY RULING PRINCES AND CHIEFS  
IN THEIR TERRITORIES.

All negotiations regarding the grant of mining concessions between a Darbar and any person who is not a subject of the State have, as a matter of practice, hitherto been conducted through the medium of the Political Officer; and before any arrangement has been concluded by a Darbar with such a person for the grant of prospecting licences or mining leases, or for the transfer of such concessions, the conditions proposed have invariably been submitted for the approval of Government. Recently, however, the Government of India, with a view to meeting changed conditions, have had under consideration the question of the revision of their policy. The question was discussed by the Committee of Princes in September 1919 and January and December 1920. The conclusions arrived at by that Committee were generally approved by the Chamber of Princes in November 1921 and were communicated to Darbars for their remarks. After considering their opinions, as well as those of the Local Governments, the Government of India are pleased, in supersession of their previous orders on the subject, to announce their future policy in this matter.

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\*The original Schedule D was amended by G. I., I. & L., Resolution No. M.-1121, dated 6th May 1925: G. R. No. 2186-24, dated 1st July 1925.

The principles explained below are applicable only to States the Rulers of which are members of the Chamber of Princes in their own right. In the case of other States and Estates, especially those which under the terms of their Sanads are bound to consult the political authorities in mining matters, the principles embodied in the resolution may be followed to such extent as the Government of India may consider desirable. The Government of India are pleased to delegate their powers to Governors of Provinces in regard to States which are in political relations with them.

I. Minerals will be divided into two groups, *viz.* :—

(1) essential minerals, *i.e.*, those necessary for key industries or other Imperial purposes in war time, *i.e.* :—

(a) the following metals and their ores : aluminium, chromium, copper, manganese, molybdenum, nickel, platinum, tungsten, zinc ; and

(b) coal, magnesite, mica, petroleum, sulphur :

(2) non-essential minerals, *i.e.*, agate, alum and other salts of alumina not used as ores of aluminium, antimony, arsenic and its salts, asbestos, barytes, china clay (kaolin), corundum, dolomite, felspar, fire-clay, Fuller's earth, garnet, gemstones, gold, gypsum, iron, lead, limestone and marble, ochres, silica, silver, soapstone (steatite, talc), tin, vanadium, monazite, pitchblende, pyrites and any others not mentioned.

[NOTE 1.—Minerals dealt with by the Salt Department, such as salt and saltpetre, are excluded from consideration in this connection.]

[NOTE 2.—It is possible that in future the development of scientific knowledge may make it desirable to transfer particular minerals from one group to the other.]

II. The Government of India invite States in the interests of the Empire and their own interests:—

(a) in dealing with "essential" minerals to adopt the general policy embodied in the Government of India rules for the grant of prospecting licences and mining leases ;

(b) in respect of all minerals to impose such restrictions regarding the nationality of concessionaires as may be imposed in British India.

III. The principal features of the policy of the Government of India, which they consider it expedient that Indian

States should follow in respect of "essential" minerals, are as follows :—

(1) Prospecting licences should be granted for short periods only, *viz.*, for one year renewable for a further term of two years.

(2) Mining leases should be granted for long periods, but not exceeding 30 years, with option of renewal for a further period of 30 years. In case of renewal the State retains the right of revising the rate of royalty.

(3) The maximum area granted in any State under a mining lease to any individual lessee or others joint in interest should be ten square miles.

(4) In granting concessions States should, in the interests of the Empire and in their own interests, reserve the right of pre-emption of the output of minerals.

(5) No concessions should be granted to a person, other than a subject of the State concerned, who does not hold a certificate of approval from the Government of India or a Local Government or the Indian State of which he is a subject and every transfer or assignment of a concession or any interest thereunder should be made only (1) to a person holding a certificate of approval from the Government of India or a Local Government or the Indian State of which he is a subject or (2) to a subject of the State concerned.

IV. As regards non-essential minerals, while States would be well advised in their own interests to follow the same policy as in the case of the essential minerals, the chief point on which the Government of India lay stress is that the co-operation of States should be invited in refusing concessions to persons whose nationality, under such restrictions as may be imposed from time to time in British India, would debar them from securing a concession in British India.

V. At present foreigners are debarred from securing mining concessions in British India.

VI. The following draft rules for the grant of prospecting licenses and mining leases in Indian States, modelled on the rules of the Government of India, are published for the information of Darbars. It is desirable that the rules formulated by Darbars should always include the provisions specified in paragraph III above relating to 'essential minerals'.



## DRAFT MODEL RULES FOR THE GRANT OF PROSPECTING LICENSES AND MINING LEASES IN INDIAN STATES.

### PART I.—GENERAL.

1. In these rules “person” includes, besides individuals a public company registered in India, in the United Kingdom or in a British Colony, having a duly empowered agent resident in India, or a syndicate, partnership or private firm of which one or more of the members reside in India, or which has a duly authorised agent resident in India.

#### *Certificate of Approval.*

2. No prospecting license or mining lease shall be granted except to a person who is either a subject of the Darbar or who holds a certificate of approval from the Government of India or a Local Government or of the Indian State of which he is a subject.

3. Every application for a prospecting license or a mining lease shall contain a certified copy of the applicant's certificate of approval.

4. Leases previously granted under these rules may continue to be held by a grantee after the expiry of his certificate of approval.

### PART II.—PROSPECTING LICENSES.

5. A license to prospect for minerals or mineral oil, called hereinafter a prospecting license shall confer on the licensee the sole right, subject to the conditions contained in the license, to mine, quarry, bore, dig and search for, win, work and carry away any mineral or mineral oil lying or being within, under or throughout the land specified in license.

6. Every such application for a prospecting license shall be made to—

Every such application shall contain the following particulars namely,—

(a) The name, profession and residence of the applicant, if he is an individual; or if the applicant is a company, syndicate, partnership or private firm, its name and nature and place of business, and if the place of business is outside India, the name and residence of a member or duly authorised agent resident in India. ..

(b) A description, illustrated by a map or plan, showing as accurately as possible the situation, boundaries and area of the land with respect to which the license is required.

7. The Darbar may declare in respect of any specified area that in lieu of presenting an application containing the particulars required in rule 6 above, the applicant for a prospecting license shall adopt the procedure set forth below, or such modification thereof as the Darbar may prescribe.

(1) He shall, before forwarding his application to the Darbar, demarcate the area applied for in the following method :—

(a) At every angle or corner of each boundary line, or as near thereto as is practicable, he shall fix pegs of substantial material, standing not less than 2 feet above the surface of the ground, and being not less than 3 inches square or 3 inches in diameter.

(b) If pegs be not obtainable, he may use instead cairns of stones or mounds of earth, having in each case a height of not less than 2 feet and a diameter at the base of not less than 2 feet.

(c) The direction of the boundary line on each side of each peg, cairn or mound shall be indicated with reasonable care by a trench having a length of 4 feet and a breadth and depth of not less than 6 inches : provided that if trenches cannot be conveniently cut, the direction of the boundary lines shall be indicated by finger posts, or in any other manner suitable for the purpose.

(d) The pegs, cairns or mounds shall bear or have affixed thereto some distinguishing mark which shall be described in the application.

(e) In the case of an application for land on the seashore, it shall not be necessary to mark out the land below high-water level.

(f) No peg, cairn, mound, or other mark employed in marking out the land applied for shall be removed or defaced after the application shall have been filed, without the permission of the Darbar.

(2) The application shall contain the following particulars, *viz.* :—

(a) The name, profession and residence of the applicant, if he is an individual; or if the applicant is a company,

syndicate, partnership or private firm, its name, and nature and place of business, and if the place of business is outside India, the name and residence of a member or duly authorised agent resident in India.

(b) A description, as accurate as possible, and illustrated by a sketch, of the situation, boundaries and area of the land with respect to which the license is required.

(c) A description of the distinguishing mark on the pegs, cairns or mounds constructed to mark out the boundaries of the concession applied for.

(d) The date of marking out the concession applied for.

8. In the case of two or more applications affecting the same land, the prior right to a license shall be deemed to lie with the applicant who, being either a subject of the Darbar or the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules, shall have been the first to file his application.

9. Every applicant shall, before the license is granted, deposit, as security in respect of such license, a sum of Rs. 100 per square mile or part of a square mile of the area covered by the license, or shall give security to a like amount.

10. Subject to such deduction on account of compensation for surface damage, penalty or otherwise as the Darbar may order, the amount of any deposit made under the foregoing rule, should the depositor afterwards be granted a mining lease, will be carried to his credit as part of the rents, royalties or deposit money payable under the lease. Or should he decline to receive or fail to obtain any such lease as aforesaid, the amount will be returned to him on his satisfying the Darbar that the condition in rule 12 (*vii*) has been complied with and on his furnishing the Darbar with the information required by rule 15.

11. If a license is not executed within three months after leave has been granted for it, the right of the applicant to such license shall be held to have lapsed, unless the Darbar for special reasons, consents to grant the same notwithstanding the delay or considers that the delay is not attributable to the applicant.

12. Every prospecting license shall contain such conditions as may in any particular case seem necessary, and shall in all cases contain the following conditions:—

(i) The term for which the license shall be granted shall be one year or such shorter term as the applicant may desire. The license may be renewed for a further term not exceeding two years, if it is shown to the satisfaction of the Darbar that a longer period than one year is required in order to enable the licensee to complete his search of the land:

Provided that, when the licensee has, before the termination of the period of the license, applied for the grant of a mining lease, the period of the license may be further extended until a mining lease is granted.

(ii) The licensee shall pay a fee not exceeding one rupee, and not less than one anna, per acre of the land covered by the license. When a license is renewed under the last foregoing condition, a fresh fee shall be payable, subject to the same maximum and minimum charge, for each year or part of a year for which the license is renewed. But no fee shall be payable for an extension of the term of license under the proviso to that condition.

(iii) The licensee shall pay royalty at a rate not exceeding 15 per cent. of the value on all precious stones won and carried away, and a royalty at the rates specified in Schedule A in part IV of these rules on all other minerals won and carried away over and above such quantity as is allowed in Schedule B to be taken free for purposes of experiment.

(iv) The licensee shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject applying to the lands over which the license has been granted, for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the license, and shall indemnify the Darbar against all claims which may be made by third parties in respect of any such damage, injury or disturbance.

(v) The licensee may, with the previous sanction of the Darbar, assign his license or transfer any right or interest thereunder to a subject of the Darbar or other person holding a valid certificate of approval, subject to the condition that every such assignment or transfer shall,

within three calendar months from the date of its completion, be registered on payment of a fee of rupees fifty.

(vi) In case of any breach on the part of the licensee or his transferee or assignee of any of the preceding clauses, the Darbar may summarily revoke the license, and thereupon all rights conferred thereby or enjoyed thereunder shall cease; or may in lieu thereof declare to be forfeited the whole or any part of the deposit made by the licensee under rule 9.

(vii) Save in the case of land over which the licensee shall have been granted a mining lease on or before the determination of the license, he shall, within six months next after the determination of the license or the date of the abandonment of the undertaking, whichever shall first occur, securely plug any bores and fill up or fence any holes or excavations that he may have made in the land to such extent as the Darbar may require, and shall to the like extent restore the surface of the land and all buildings thereon which he may have damaged in the course of prospecting:

Provided that the licensee shall not be compelled to restore the surface of land or any buildings in respect of which full and proper compensation has already been paid under condition (iv).

(viii) Should any question or dispute arise regarding the license or any matter or thing connected therewith or the powers of the licensee thereunder, or the amount or payment of the fee or royalty made payable thereby, the matter in difference shall be referred to arbitration.

13. On or before the determination of his license the licensee shall have a right to a mining lease in accordance with the terms contained in the rules for mining leases.

14. Such lease may include so much land, comprising the whole or a part only of the area for which the prospecting license was granted, as shall not exceed the area specified with respect to mining leases in rule 19.

15. If so required by the Darbar, the licensee shall, before the deposit made under rule 9 is returned to him, disclose confidentially to the Darbar all information acquired in the course of the operations carried on under the license, regarding the minerals contained in, or the geological formation of, any area not taken up by him under a mining lease,

## PART III.—MINING LEASES.

16. Every application for the grant of a mining lease shall be accompanied by a deposit, as security in respect of preliminary expenses, of such sum, not exceeding Rs. 500, as the Darbar may determine. If the application relates to an area for which the applicant holds a prospecting license, any amount held in deposit under rule 9 in respect of such prospecting license will be carried to his account.

The amount of any deposit made under rule 9, less any expenses incurred by or on behalf of the Darbar, will, if the depositor be granted a mining lease, be carried to his credit, as part of the rent or royalties payable under the lease, or if he declines or fails to obtain any such lease as aforesaid, will be returned to him.

17. Every application for a mining lease shall contain the following particulars :—

(a) the name, residence and profession of the applicant if he is an individual, or if the applicant is a company, syndicate, private firm or partnership, its name and nature and place of business, and if the place of business is outside India, the name and residence of a member or duly authorised agent resident in India ;

(b) a specification of a mineral or minerals for which the applicant intends to mine ;

(c) a description, illustrated by a map or plan, showing as accurately as possible the situation, boundaries and area of the land with respect to which the lease is required ;

(d) a statement showing all areas within the jurisdiction of the Darbar already held by the applicant or by any person joint in interest with him in prospecting or mining right ;

(e) the period for which the lease is required.

18. In the case of two or more applications affecting the same land and presented by applicants who are not in possession of, or have not applied for, prospecting licenses in respect thereof, the prior right to a lease shall ordinarily be deemed to lie with the applicant who, being either a subject of the Darbar or the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules, shall have been the first to file his application.

19. On receipt of the application, the Darbar will, if the applicant is entitled to a lease under rule 13, or if they consider that the applicant should be granted a mining lease, grant the same in accordance with these rules over such area as they may think fit, but no mining lease will be granted by the Darbar under these rules so as ordinarily to cause the total area held under mining leases for minerals of whatsoever kind by the lessee or by those joint in interest with him to exceed ten square miles within the territories administered by the Darbar.

20. If a lease is not executed within six months after leave has been granted for it, the right of the applicant to such lease shall be held to have lapsed, unless the Darbar for special reasons consents to grant the same notwithstanding the delay or considers that the delay is not attributable to the applicant.

21. The length of an area held under a mining lease shall not be allowed to exceed four times its breadth; but this rule may be relaxed in the case of areas in river beds held on lease for dredging purposes.

22. The boundaries below the surface of all areas given out on mining lease under these rules shall be considered to run vertically downwards towards the centre of the earth.

23. The term for which a mining lease may be granted shall not exceed 30 years, but the lease may contain a clause permitting renewal for a period not exceeding 30 years, on a dead and surface rent not exceeding twice the original dead and surface rent respectively, the royalty payable being that which may, on the day next following that on which the original lease shall determine, be in force under the orders of competent authority.

24. Every mining lease shall contain such conditions and stipulations as the Darbar may in each case consider necessary; and shall in every case contain the following conditions, namely:—

(i) The lessee shall pay a royalty or royalties at the rate specified in the lease, which rate or rates shall be those fixed for the particular mineral or minerals in Schedule A in Part IV of these rules; and if any other mineral shall be discovered by him, then the royalty shall be paid therefor at such rate, not being less than 20 per cent. of the value thereof, as the Darbar may determine,

until a mining lease has been obtained in respect of such mineral; but the lessee shall be entitled within twelve months from the discovery of such mineral to require and obtain such lease for the term then unexpired of his original lease; provided that, if he declines to take a lease as above provided, the Darbar may give a lease in respect of such mineral to any other person.

(ii) The lessee shall also pay for every year after the first year a fixed yearly dead rent at a rate not less than that laid down in Schedule C, Part IV, of these rules; provided that no lessee shall pay both royalty and dead rent in respect of the same lease, but only such one of them as may be of the greater amount.

(iii) The lessee shall also pay for all land which he may take up, use or occupy for the purposes of the mine a surface rent at the rate specified in Schedule D.

(iv) The lessee shall at his own expense erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in a plan annexed to his lease.

(v) The lessee shall make and pay such reasonable satisfaction and compensation, as may be assessed by lawful authority in accordance with the law in force on the subject applying to the lands over which the lease has been granted, for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease, and shall indemnify the Darbar against all claims which may be made by third parties in respect of any such damage, injury or disturbance.

(vi) The lessee shall not cut or injure any tree reserved in the lease.

(vii) The lessee may, with the previous sanction of the Darbar, assign his lease or transfer any right or interest thereunder either to a subject of the State or to a person holding a valid certificate of approval, subject to the condition that every such assignment or transfer shall within three calendar months from the date of its completion be registered on payment of a fee of rupees fifty.

(viii) Unless prevented by reasonable cause, the lessee shall commence operations within one year from the date of the execution of the lease and shall thereafter carry them on effectually in a proper, skilful and mining-like manner. Should the lessee cease without such cause to work the



mine for a period exceeding two years in such a manner as to produce sufficient mineral to earn a royalty at least equal to the dead rent, it shall be deemed a breach of this condition.

NOTE.—For the purpose of the first part of this condition, such measures as the erection of machinery for the purposes of working the mine, although not necessarily on the land covered by the lease, or the construction of roads or tramways, in connection with the mine shall be deemed to be sufficient compliance with the requirement of commencing operations.

(ix) The lessee shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mine and the number of persons employed therein, and also complete plans of the mine, and shall allow any officer authorised by the Darbar in that behalf at any time to examine such accounts and plans, and shall furnish the Darbar with such information and returns in respect of the aforesaid matter as it may prescribe.

(x) The lessee shall allow existing and future license or lease-holders of any land, which is comprised in or adjoins or is reached by the land held by the lessee, reasonable facilities of access thereto.

(xi) The lessee shall allow any officer authorised by the Darbar in that behalf to enter upon the premises comprised in the lease for the purpose of inspecting the same.

(xii) The lessee shall without delay report to the Darbar the discovery on or within any of the lands or mines demised by the lease of any mineral not specified in the lease.

(xiii) The Darbar shall have the right of pre-emption, at current market rates, over all minerals demised by the lease.

(xiv) Should the royalty or rent reserved or made payable by the lease be not paid within two months next after the date fixed in the lease for payment of the same, the Darbar may enter upon the said premises and distrain all or any of the minerals or movable property therein, and may order the sale of the property so distrained or so much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof; and, if any royalty or rent remain at any time unpaid for six calendar months after the date on which it is due, the Darbar may determine the lease and take possession of the premises comprised therein.

(xv) In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the Darbar may determine the lease and take possession of the said premises; or, in the alternative, may accept payment of a penalty, not exceeding twice the amount of the annual dead rent, from the lessee.

(xvi) At the end or sooner determination of the lease, the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workman-like state, save in respect of any working as to which the Darbar may have sanctioned abandonment.

(xvii) Should any question or dispute arise regarding the lease or any matter or thing connected with the mines and minerals leased or the working or non-working thereof or the amount or payment of the royalty or rent reserved or made payable by the lease, the matter in difference shall be referred to arbitration.

25. The lessee shall be at liberty to determine the lease at any time on giving not less than twelve calendar months' notice in writing to the Darbar: and upon the expiration of such notice, provided that all sums due on account of the lease shall have been paid, the lease shall be determined. When a lessee exercises his option of determining a lease, he shall not be granted subsequently a new lease over a portion only of the land covered by the original lease.

#### PART IV.—RENTS AND ROYALTIES.

[Schedules A (rates of royalty), B (maximum quantities removable free of royalty), C (minimum dead rent) and D (assessment of surface rent) to these draft rules are generally on the lines of those framed for mines in British India, reproduced in this Part of the Manual.]

(G. I., For. and Pol., Resolution No. 1130-445—Int., dated 12th July 1923: G. Rs., P. D., No. 1540, dated 23rd February 1924 and 29th January 1926.)



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## PART IV

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STANDARD FORMS OF PROSPECTING LICENSE, MINING LEASE  
AND AGREEMENTS FOR USE IN CONNECTION WITH THE  
TRANSFER OF LICENSE OR LEASE

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**Model forms of prospecting license, mining lease and  
agreements for use in connection with the  
transfer of license or lease.**

The following forms of prospecting license, mining lease and transfer agreements may be adopted in so far as they may be applicable to concessions which may be granted. Certain clauses in the standard form of mining lease, *e.g.*, clause 2 of part II, clause 3 of part VI and clause 11 of part VII, are not appropriate for use in leases of natural petroleum and they should therefore be suitably modified in the case of such leases. Certain provisions in the forms, which are not actually prescribed by the Mining Rules and can therefore be modified at the discretion of local Governments, have been printed in italics. They seem, however, to the Government of India to be necessary and proper conditions, and, except as suggested above, they should not be altered or omitted without sufficient cause. (G. I., I. and L., letter No. M.—839, dated 24th July 1925: G. R. No. 4524—24, dated 21st August 1925).

2. All minerals should be treated as reserved minerals and the Mining Rules have been amended accordingly by G. I., C. and I., Resolution No. 182-M.D., dated 20th January 1917 (G. O. No. 2072 dated 21st February 1917). This rendered necessary a further revision of the forms of prospecting license and mining lease, and the incorporation in the main forms of the provisions of the form of agreement controlling the working of reserved minerals.

3. The mining lease is a concession for a long term of years of rights which are often exceedingly valuable, and too much care cannot be taken to draw it up in strict legal form, so as adequately to secure the rights of Government and to stand the test of judicial examination. In each case of a mining lease being granted, the terms of it should invariably be settled by the law officers\* of the Local Government, who should be required to see that it is completed in proper form in accordance with the conditions which may have been made by the Local Government based upon the model form and that they provide for all the obligatory conditions and stipulations of the mining rules.

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\*Cases which relate to drafting and conveyancing and are connected with such miscellaneous matters as mining leases should not be sent to the Solicitor to Government but should be referred to the Remembrancer of Legal Affairs (G. R., L. D., No. 1501, dated 6th July 1925).

(G. I., R. & A., Nos. 21-10-8, dated 31st August 1897, 19-17-3, dated 20th May 1899 and 17-67-9, dated 29th March 1900: G. I., C. & I., Nos. 14377-14390-184, dated 7th December 1914, and 5956-184, dated 17th July 1916: G. Rs. Nos. 8028, dated 4th November 1897, 4171, dated 17th June 1899, 2625, dated 26th April 1900, and 2277, dated 24th February 1915, and G. O. No. 8069, dated 17th August 1916. The revised forms of prospecting license, mining lease and transfer agreements were sanctioned by G. I., C. & I., letter No. 667, dated 16th March 1918: G. O. No. 4575, dated 22nd April 1918. The letters, etc., by which the forms were subsequently amended have been quoted in foot-notes thereto).

4. The Manager, Yeravda Prison Press, should print the forms and keep copies in stock for supply to officers on indent and sale to the public. (G. R. No. 4524—24, dated 21st August 1925).

#### MODEL FORM OF PROSPECTING LICENSE.\*

THIS INDENTURE made this

day

of 19 Between the Secretary of State for India in Council hereinafter referred to as "the Secretary of State" (which expression shall where the context so admits be deemed to include his successors in office and assigns) of the one part and (1)

[name of person]

of

[address and occupation]

(hereinafter referred to as the licensee which expression shall where the context so admits be deemed to include his heirs executors

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[\* Prospecting licenses are not leases for the purposes of the definition in section 2, sub-section (16), of the Indian Stamp Act, 11 of 1899. A license does not become a lease merely because a rental is reserved. These licenses are chargeable with stamp duty as agreements. (G. I., F. & C., No. 1677-S.R., dated 10th April 1902: G. R. No. 3211, dated 9th May 1902.)

A prospecting license is a lease of immoveable property within the meaning of section 105 of the Transfer of Property Act, and as such ought to be registered as required by paragraph 2 of section 107 of the same Act, even though the period for which it endures does not exceed one year, unless exempted by notification under the proviso to section 107. This applies also to renewals of any such prospecting license unless so exempted. (Advocate General of Bengal's opinion dated 19th April 1911, circulated with G. I., C. & I., No. 3425-27, dated 11th May 1911: G. R. No. 5147, dated the 29th *idem*.)

*Vide* also notes under Nos. 15 and 30 (VI) of the Mining Rules.]

(1)—(1) This wording is to be used where the license is granted to one individual.

administrators representatives and permitted assigns) ( <sup>1</sup> )  
and ( <sup>2</sup> )

	[name of person]
of	[address and occupation]
and	[name of person]
of	[address and occupation]
and	[name of person]
of	[address and occupation]

(hereinafter referred to as the licensees which expression shall where the context so admits be deemed to include their respective heirs executors administrators representatives and their permitted assigns) ( <sup>3</sup> )  
and ( <sup>3</sup> )

	[name of company]	Limited
incorporated in	[country]	
and having its registered office at	[address]	

(hereinafter referred to as the licensee which expression shall where the context so admits be deemed to include its permitted assigns) ( <sup>3</sup> )

and ( <sup>4</sup> ) the unincorporated body called

[name of syndicate]	having their principal
place of business at	[address]

(hereinafter referred to as the licensees which expression shall where the context so admits be deemed to mean and include the persons or corporations who for the time being may be members of and the permitted assigns of

[name of syndicate]	( <sup>4</sup> )
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and ( <sup>5</sup> ) the firm of [name of firm]

having their principal place of business at

[address]	(hereinafter referred
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to as the licensees which expression shall where the context so admits be deemed to mean and include the persons who for the time being may be members of and permitted assigns of

[name of firm]	) ( <sup>5</sup> )
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(<sup>1</sup>)-( <sup>3</sup> ) This wording is to be used where the license is granted to more than one individual.

(<sup>2</sup>)-( <sup>3</sup> ) This wording is to be used where the license is granted to a registered company.

(<sup>3</sup>)-( <sup>4</sup> ) This wording is to be used where the license is granted to an unincorporated syndicate.

(<sup>4</sup>)-( <sup>5</sup> ) This wording is to be used where the license is granted to a firm.

of the other part

WHEREAS the <sup>licensee has</sup><sub>licensees have</sub> applied to the Collector of (hereinafter referred to as the Collector which expression if the context so admits shall be deemed to mean the holder of the office for the time being)

in accordance with the rules prescribed by the Governor General of India in Council for the grant of licenses to prospect for minerals and of mining leases (hereinafter referred to as the said rules) for a license to prospect for

in the lands specified in Schedule A hereunder written and <sup>has</sup><sub>have</sub> deposited with the Collector the sum of Rs. . as the prescribed security in respect of such license and <sup>has</sup><sub>have</sub> paid to the Collector the sum of Rs.

as the prescribed fee in respect of such license and WHEREAS the Collector has found that the <sup>licensee is</sup><sub>licensees are</sub> in possession of a valid certificate of approval and that there is no objection to the grant of such license NOW THESE PRESENTS WITNESS as follows :—

I.—In consideration of the royalties covenants and agreements hereinafter reserved and contained and on the part of the <sup>licensee</sup><sub>licensees</sub> to be paid observed and performed the Secretary of State hereby grants and demises unto the <sup>licensee</sup><sub>licensees</sub> the sole right and license.

(1) to enter upon the lands described in the said Schedule A\* and to mine quarry bore dig search for win and work or any

lying or

being within under or throughout the said lands

(2) to carry away and dispose of the produce thereof to and for the use and benefit of the <sup>licensee</sup><sub>licensees</sub> †

(3) for the purposes aforesaid to clear undergrowth and brushwood and (with the sanction of the Collector previously obtained in writing) to make and use any drains or water-courses on the said lands for clearing the

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[\*In all prospecting licenses for manganese the following words should be added between the words "Schedule A" and "and to mine quarry," viz. "subject to the restriction in the next following clause (2) hereinafter contained" (G. R. No. 4249, dated 3rd May 1909).]

[†In all prospecting licenses for manganese the following words should be added after the words "benefit of the <sup>licensee</sup><sub>licensees</sub>" (G. R. No. 4249 dated 3rd May 1909) :—

"Subject to the restriction that not more than 100 tons of manganese ore shall be so carried away and disposal of by the licensee during the term hereby granted or during each year of any renewal of this license which may be granted by the said Collector under the provision in that behalf hereinafter contained."]



from any water which may flow or accumulate therein \*and with the like sanction to use any water for steam-raising and other purposes as may be necessary for effectually carrying on the prospecting operations and for the workmen employed therein provided always that such use shall not diminish or interfere with the supply of water to which any cultivated land village building or watering place for livestock has heretofore been accustomed and that no streams springs or wells shall be fouled or polluted by such use or the prospecting operations hereby licensed.†

(4) and with the like sanction to erect and bring upon the said lands all such temporary huts sheds and structures ‡ steam and other engines machinery and conveniences chattels and effects as shall be proper and necessary for effectually carrying on the prospecting operations hereby licensed or for the workmen employed therein.

Reserving nevertheless to the Secretary of State full power and liberty at all times to enter into and upon and to grant or demise to any person or persons whomsoever liberty to enter into and upon the said lands for all or any purposes other than those for which sole right and license are hereby expressly conferred upon the <sup>licensee</sup> ~~licensees~~ and particularly (and without hereby in any way qualifying such general power and liberty) to make on over or through the said lands such roads tramways and railways as shall be considered necessary or expedient for any purposes and to obtain from and out of the said lands such stone earth other materials as may be necessary or requisite for making repairing or maintaining such roads tramways and railways and to pass and repass at all times over and along such roads tramways and railways for all purposes and as occasion shall require.

TO HOLD the said right and license unto the <sup>licensee</sup> ~~licensees~~ from the date of the presents for the term of

PAYING therefor immediately on the expiration or sooner determination of the said term clear of all rates taxes charges and deductions royalty at the rates specified in Schedule B hereunder written on the minerals won and carried away by the <sup>licensee</sup> ~~licensees~~ during

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[\*This addition was made by G. I., Department of Industries, letter No M.-974, dated 24th January 1928 : G. R. No. 7241, dated 9th February 1928. The addition is not based on Mining Rules and can therefore be modified by the Local Government at their discretion.

†In all prospecting licenses for manganese the following words should be added between the words "Schedule A" and "and to mine quarry," viz. "subject to the restriction in the next following clause (2) hereinafter contained" (G. R. No. 4249, dated 3rd May 1909.)

‡The prospecting license makes no mention of the use by the prospector of material such as gravel, sand, clay earth or stone obtained from the area held under the license, and the use of these materials can be allowed only on payment of fees under No. 89 of the rules under section 214 of the Land Revenue Code. No fee should however be charged for these materials if they are extracted and used for the purpose of building the temporary sheds and structures which the prospecting licensee is permitted by the terms of his license to erect, provided (1) that the Collector's permission is previously obtained in writing specifying the places from which the materials are to be extracted, and (2) that the materials are not removed from the licensed area (G. R. No. 7546, dated 22nd August 1910).]

the said term under the powers hereby granted in excess of the respective quantities specified in Schedule C hereunder written which the <sup>licensee</sup>~~licensees~~ shall be entitled to take free of royalty for the purposes of experiment or as specimens.

### COVENANTS BY LICENSEE.

II.—The <sup>licensee</sup>~~licensees~~ hereby <sup>covenant</sup>~~covenant~~ with the Secretary of State as follows :—

(1) Duly to pay the said royalty.

(2) To work and carry on the operations hereby licensed in a fair orderly skilful and workmanlike manner and with as little damage as may be to the surface of the said lands and to trees crops buildings structures and other property thereon.\*

(2a)† Not to work or carry on any operations hereby licensed in or under the said lands at or to any point within a distance of 50 yards from any railway reservoir canal or other public work or any building or inhabited site shown on the plan hereto annexed except with the previous permission in writing of the Governor General of India in Council or some officer authorised by him in that behalf or otherwise than in accordance with such instructions restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 yards shall be measured in the case of a railway reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in the case of a building horizontally from the plinth thereof.

For the purpose of this clause the expression "railway" shall have the same meaning as it is defined to have in the Indian Railways Act, 1890, by section 3 (4) of that Act.

(3) Not to enter upon or commence prospecting in any reserve forest situate upon the said lands without THIRTY days' previous notice in writing to the District Forest Officer nor without obtaining the written sanction of that officer nor otherwise than in accordance with such conditions as that officer may in his absolute discretion prescribe.

(4) Not to disturb the surface of any road without the written permission of the Collector nor without such permission to enter upon any public pleasure ground burning or burying ground or place held sacred by any class of persons or interfere with any right of way well or tank.

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\* It has been directed in G. R. No. 4249, dated 3rd May 1909 that in all prospecting licenses for manganese the following words should be added after the words "and other property thereon" :—

"and shall not carry away and dispose of a greater quantity of manganese ore than is permitted by clause (2) of the concession hereby granted and demised to the licensee and hereinbefore set out".

† Clause 2 (a) was inserted by G. I., I. and L., letter No. M.—839, dated 1st February 1926 : G. R. No. 4665—24, dated the 18th *idem*.

(5)\* *Not to enter upon any land in the occupation of any person without the consent of the occupier nor to cut or in any way injure any trees standing crops buildings huts structures or other property of any kind of the occupier of any land or any other person without the consent of the owner such occupier or person.*

(6) Not to cut or injure any timber or tree on any unoccupied or unreserved land without the written permission of the Collector or officer by him appointed.

(7) To make and pay reasonable satisfaction and compensation for all damage or injury which may be done in exercise of any of the powers conferred by this license and to indemnify and keep indemnified the Secretary of State against all claims or suits which may be made or brought by any person or persons in respect of any such damage or injury and all costs and expenses in connection therewith.

(8) Whenever the said security deposit of Rs.                      or any part thereof or any further sum hereafter deposited with the Collector in replenishment thereof shall be forfeited or applied by the Collector pursuant to the power hereinafter declared in that behalf forthwith to deposit with the Collector such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the Collector up to the sum of Rs.

(9)† (a) Not to assign or transfer this license or any interest hereunder or grant or transfer any right or interest intended to take effect under or by virtue hereof or attempt so to do or enter into or make any arrangement compact or understanding whereby the <sup>licensee</sup><sub>licensees</sub> will or may be directly or indirectly financed by or under which the <sup>licensee's</sup><sub>licensees</sub> operations or undertakings will or may be carried on directly or indirectly by or for the benefit of or subject to the control of any Trust Syndicate Corporation Firm or Person unless with the written sanction given prior to such assignment transfer grant arrangement compact or understanding being entered into or made of the Local Government within the territories administered by which the said lands are situate (hereinafter called the Local Government) and any or every such arrangement compact or understanding as aforesaid (entered into or made with such sanction as aforesaid) shall only be entered into or made and shall always be subject to an express condition binding upon the other party or parties thereto that on the occasion of a state of emergency of which the Governor General of India in Council shall be the sole judge it shall be terminable if so required in writing by the Local Government and shall in event of any such requisition being made be forthwith thereafter determined by the <sup>licensee</sup><sub>licensees</sub> accordingly.

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\* This clause should be suitably modified if it be not in accordance with the provisions of local laws referred to in the note under rule 80 (IV) of the Mining Rules: *vide* G. R. No. 3504—24, dated 21st August 1926.

† This sub-clause was inserted by G. I., C. & I., letter No. 7682, dated 7th August 1918: G. O. No. 9207, dated 12th September 1918.

\* (b) Within three months from the date of completion of such assignment transfer grant arrangement compact or understanding as aforesaid to register the same or such complete particulars thereof as may be required in the office of the Collector of the District in which the property the subject of this license may be situate, such registration to be accompanied by payment of a fee of Rs. 50.

† (10) At least in every and as many other times as occasion may require well and truly to measure or weigh or cause to be measured or weighed upon some part of the said lands all minerals from time to time won from the said lands by the <sup>licensee</sup><sub>licensees</sub> which may require to be measured or weighed for the purpose of ascertaining the royalty payable under these presents and to give days' previous notice in writing to the Collector of every such measuring or weighing in order that he or some person on his behalf may be present thereat and not to take away from the said lands any minerals so won until the same shall have been measured or weighed as the case may be.

(11) To ascertain and verify in such manner as the Local Government may from time to time prescribe the value of all precious stones and other minerals ores and metals from time to time won dressed or extracted by the <sup>licensee</sup><sub>licensees</sub> which may require to be valued for the purpose of ascertaining the royalty payable under these presents.

(12) Upon the expiration or sooner determination of this license or the abandonment of the operations hereby licensed whichever shall first occur to remove at the <sup>licensee's</sup><sub>licensees'</sub> own cost all buildings structures plant engines machinery implements utensils and other property and effects theretofore erected or brought by the <sup>licensee</sup><sub>licensees</sub> and then standing or being upon the said lands and also all minerals theretofore won by the <sup>licensee</sup><sub>licensees</sub> under the authority of these presents and then being upon the said lands PROVIDED that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the <sup>licensee</sup><sub>licensees</sub> during the subsistence of this license.

(13) Within six calendar months after the expiration or sooner determination of this license or the abandonment of the operations hereby licensed whichever shall first occur and at the cost of the <sup>licensee</sup><sub>licensees</sub> to plug securely all bores and to fill up or fence all

\* The original sub-clause was amended by G. I., I. & L., letter No. M.-839, dated 24th July 1925 : G. R. No. 4524—24, dated 21st August 1925.

† Collectors should require weighment where that course is practicable. Where it is not practicable, recourse should be had to measurement the number of cubic feet which should be equivalent to a ton being settled in consultation with the Executive Engineer of the District. Results so arrived at should be checked by the Railway Companies' weighments, where these are available, and otherwise in any other method that may be practicable (G. R. No. 7442, dated 21st July 1908).

holes and excavations made by the <sup>licensee</sup>/<sub>licensees</sub> in the said lands to such extent as the Collector may require and to the like extent to remove waste and rubbish upon the said lands and restore to their natural or original condition the surface of the said lands and all buildings and structures thereon not belonging to the <sup>licensee</sup>/<sub>licensees</sub> which stood thereon prior to the date hereof and which may have been damaged or injured by the <sup>licensee</sup>/<sub>licensees</sub> in the course of any operations hereby licensed *PROVIDED* that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the <sup>licensee</sup>/<sub>licensees</sub> during the subsistence of this license nor to any disturbance of the surface or damage or injury in respect whereof the Collector shall be satisfied that proper compensation has been made by the <sup>licensee</sup>/<sub>licensees</sub>.

(14) At any time within the period mentioned in the last preceding covenant if so required by the Collector to disclose to the Collector all information acquired by the <sup>licensee</sup>/<sub>licensees</sub> in the course of any operations under this license regarding the minerals contained in or under or the geological formation of any part of the said lands which shall not be comprised in any mining lease granted to the <sup>licensee</sup>/<sub>licensees</sub> during the subsistence of this license.

(15) (a) The <sup>licensee</sup>/<sub>licensees</sub> shall at all times during the said term remain or be a British subject or subjects or a British Company or Corporation registered incorporated or established in British India or the United Kingdom or some other part of His Majesty's dominions and of which at all times during the said term the Chairman or President or other person occupying that or any similar position (if any) and the Managing Director (if any) and a majority of the other Directors (if any) shall be a British subject or British subjects and the Managing Agents or Managing Agent Secretary or Secretaries (if any) shall be a firm of which every Member is a British subject an individual who is a British subject or a Company in every respect answering the description and satisfying the conditions last hereinbefore contained and laid down as those to which the Company itself must as the <sup>licensee</sup>/<sub>licensees</sub> conform.

(b) The local General Manager and not less than      per cent. of the local staff employed by the <sup>licensee</sup>/<sub>licensees</sub> shall at all times during the said term be a British subject or British subjects and neither the <sup>licensee</sup>/<sub>licensees</sub> nor the said mines and minerals shall at any time during the said term be or become directly or indirectly controlled or managed by any person or persons who are not a British subject or subjects or a Company in every respect answering to the description and satisfying the conditions last hereinbefore mentioned.

(16) The licensee being a Company or corporation shall report

\*Here insert suitable period within which report should be sent.

to the Local Government any alteration in its Memorandum or Articles of Association, or in its constitution within\* after

the same shall have been made and shall give two months' previous notice in writing to the Local Government of any intention or proposal to make any such alteration which might conceivably affect its British status or character and no such alteration shall be made unless the Local Government shall have previously consented thereto in writing PROVIDED always that the consent of the Local Government shall not be refused to any such alteration as aforesaid in the Memorandum and Articles of Association or the constitution of the licensee unless in its opinion such alterations shall be contrary to the cardinal principle laid down by Government in respect of the said minerals, that is to say, that the licensee(s) shall be and remain a British subject or British subjects or a British Company under British control.

(17) (a) The Secretary of State shall from time to time and at all times during the said term have the right (to be exercised by notice in writing to the <sup>licensee</sup>/<sub>licensees</sub> under the hand of any Secretary to Government) of pre-emption of the said minerals (and all products thereof) lying upon the said lands or elsewhere under the control of the <sup>licensee</sup>/<sub>licensees</sub> and the <sup>licensee</sup>/<sub>licensees</sub> shall, with all possible expedition and so as to avoid demurrage on the vessel or vessels engaged to convey the same, deliver all minerals or products of minerals purchased by the Secretary of State under the power conferred by this provision in the quantities at the times in the manner and at the place of shipment or storage specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the Secretary of State hereunder be detained on demurrage at the port of loading the <sup>licensee</sup>/<sub>licensees</sub> shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the Secretary of State shall be satisfied that the delay is due to causes beyond the control of the <sup>licensee</sup>/<sub>licensees</sub>.

(c) The price to be paid for all minerals or products of minerals taken in pre-emption by the Secretary of State in exercise of the right hereby conferred shall be the fair market price for the time being to be determined in default of agreement by the Local Government under the provision hereinafter in head or Part V of these presents contained PROVIDED THAT in order to assist in arriving at the said fair market price the <sup>licensee</sup>/<sub>licensees</sub> shall if so required furnish to the Local Government for the confidential information of the Secretary of State particulars of the quantities descriptions and prices of the said minerals or products

thereof sold to other customers and of charters entered into for freight for carriage of the same and shall produce to such officer or officers as may be directed by the Local Government original or authenticated copies of contracts and charter parties entered into for the sale or freightage of such minerals or products.

(d) \*On the occasion of a state of emergency of which the Secretary of State shall be the sole judge and notice in writing under the hand of any Secretary to Government, shall be conclusive evidence the <sup>licensee</sup>~~licensees~~ shall on receiving such notice requiring <sup>him</sup>~~them~~ so to do use <sup>his</sup>~~their~~ utmost endeavours to increase the supply to or for the Secretary of State of the minerals or products thereof purchased by him as aforesaid to the extent specified in such notice.

### *Powers of Government.*

III.—It is hereby agreed as follows:—

(1) If the <sup>licensee</sup>~~licensees~~ at any time shall fail to observe or perform or shall act in contravention of any of the covenants on the part of the <sup>licensee</sup>~~licensees~~ hereinbefore contained or in case it shall appear to the Local Government that its sanction to any such assignment transfer grant arrangement compact or understanding as mentioned in clause (9) of the covenants by the <sup>licensee</sup>~~licensees~~ hereinbefore in head or part II of these presents contained was improperly obtained or that any improper use of the rights or powers under any such arrangement compact or understanding as aforesaid of any party thereto has been made by or with the connivance of the <sup>licensee</sup>~~licensees~~ then and in any such case and notwithstanding the waiver of any previous default of the like nature the Collector may by notice in writing delivered to the <sup>licensee</sup>~~licensees~~ or left upon the said lands declare this license to be determined and thereupon this license and all rights and powers conferred hereby upon the <sup>licensee</sup>~~licensees~~ shall cease without prejudice however to the rights and remedies of the Secretary of State in respect of any breach or non-performance or non-observance of any of the covenants hereinbefore contained and except in respect of the covenants on the part of the <sup>licensee</sup>~~licensees~~ and stipulations to be performed or to have effect after the determination of this license or after the abandonment of the operations hereby licensed.

Upon any occasion on which notice declaring this license to be determined may be given as aforesaid the Collector in lieu of giving such notice may by notice in writing delivered or left as aforesaid declare the said deposit of Rs. <sup>or any part thereof or</sup> any further sum deposited under the <sup>licensee's</sup>~~licensees'~~ covenant in that behalf hereinbefore contained to be forfeited to the Secretary or State and the amount so declared to be forfeited shall thereupon

\*The original sub-clause was amended by G. I. I. & L., letter No. M.-839, dated 24th July 1925 : G. R. No. 4524—24, dated 21st August 1925.

become the absolute property of the Secretary of State unless the Local Government on reference made to it by the <sup>licensee</sup>  
~~licensees~~ within thirty days next after the delivery or leaving of such notice shall otherwise determine.

(2) The Collector may from time to time appropriate and apply the said deposit of Rs. <sup>licensee</sup>  
~~licensees~~ or any part thereof or any further sum deposited under the <sup>licensee's</sup>  
~~licensees'~~ covenant in that behalf hereinbefore contained in or towards payment or satisfaction of any claims to compensation which may be made by any person or persons against the <sup>licensee</sup>  
~~licensees~~ and the Secretary of State in respect of any damage or injury done by the <sup>licensee</sup>  
~~licensees~~ in exercise of any of the powers conferred by this license and in or towards payment of any damages costs and expenses which may become payable as the result of or in connection with any suits or proceedings which may be instituted against the Secretary of State in respect of any such damage or injury and also in or towards payment of the expenses of the carrying out or performance of any works or matters which the <sup>licensee</sup>  
~~licensees~~ shall fail to carry out or perform after the determination of this license or the abandonment of the operations hereby licensed in accordance with the covenant in that behalf hereinbefore contained or in payment or satisfaction of any of such claims damages costs and expenses.

(3) If any buildings structures plant engines machinery implements utensils or other property or effects or any minerals which ought to be removed by the <sup>licensee</sup>  
~~licensees~~ from the said lands in accordance with the covenant in that behalf hereinbefore contained be not so removed within one calendar month after notice in writing requiring their removal shall have been delivered to the <sup>licensee</sup>  
~~licensees~~ by the Collector or left by him upon the said lands the same shall be deemed to become the property of the Secretary of State and may be sold or disposed of for the benefit of the Secretary of State in such manner as he shall deem fit without liability to pay any compensation or to account to the <sup>licensee</sup>  
~~licensees~~ in respect thereof.

(4) If any of the works or matters which in accordance with the covenant in that behalf hereinbefore contained are to be carried out or performed by the <sup>licensee</sup>  
~~licensees~~ within six calendar months after the expiration or sooner determination of this license or the abandonment of the operations hereby licensed be not so carried out or performed the Secretary of State may cause the same to be carried out or performed and the <sup>licensee</sup>  
~~licensees~~ shall pay to the Secretary of State on demand all expenses which shall be incurred in such carrying out or performance of the same.

(5) In the event of war or on the occasion of a state of emergency of which the Secretary of State shall be the sole judge, and the notice next hereinafter mentioned shall be conclusive evidence the Secretary of State may forthwith after notice in writing to the <sup>licensee</sup>  
~~licensees~~ under the hand of any Secretary to Government of his



intention so to do take possession or assume control of the works plant machinery and premises of the <sup>licensee</sup><sub>licensees</sub> or in connection with the said lands or the mining operations under this license and the <sup>licensee</sup><sub>licensees</sub> shall conform to and obey all directions given by or on behalf of the Secretary of State regarding the use or employment of such works plant and premises PROVIDED THAT fair compensation which shall be determined in default of agreement by the Local Government under the provision hereinafter in head or Part V of these presents contained shall be paid to the <sup>licensee</sup><sub>licensees</sub> for all loss or damage sustained by <sup>him</sup><sub>them</sub> by reason or in consequence of the exercise of the powers conferred by this clause and PROVIDED ALSO that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause.

(16)

On page 216 in the standard form of prospecting license *substitute* the following for the foot-note to Part III-A:—

"To be used if the license grants, or includes, the right to prospect for natural petroleum or natural gas".

(Government of India, Department of Industries and Labour, letter No. M.-75, dated 15th February 1927; Government Resolution No. 711/24, dated 31st January 1927)

(Correction Memo. No. 1.)

and perform all the restrictions and conditions imposed upon <sup>him</sup><sub>them</sub> by such lease including all such restrictions and conditions a may be imposed upon <sup>him</sup><sub>them</sub> in exercise of the power hereinafter defined;

(2) a covenant by the <sup>licensee</sup><sub>licensees</sub> that the <sup>licensee</sup><sub>licensees</sub> will not assign or sublet the premises demised by such lease or any part thereof or the rights and privileges thereby granted or any of them or transfer any right or interest thereunder without the consent in writing of the Secretary of State under the hand of a Secretary to the Local Government first had and obtained and that the <sup>licensee</sup><sub>licensees</sub> will not without such consent so indicated as aforesaid come to any arrangement compact or understanding with any Trust Syndicate Corporation firm or person whereby the <sup>licensee</sup><sub>licensees</sub> may be directly or indirectly financed by or under which the <sup>licensee's</sup><sub>licensees'</sub> operations or undertaking may be carried on directly or indirectly by or for the benefit of or subject to the control of any such Trust Syndicate Corporation firm or person;

(3) an agreement and declaration that on the occasion of a state of emergency of which the Governor General of India in Council shall be the sole judge it shall be

(1)

In the foot-note on page 216 for the word "Natural Petroleum" *substitute* the words "natural petroleum (including natural gas)."

(Government of India, Department of Industries and Labour, letter No. M.-75, dated 1st December 1926; Government Resolution No. 4524/24 dated 22nd December 1926.)

of State at any time by notice in writing under the hand of a Secretary to the Local Government to revoke his consent to any such arrangement compact or understanding as aforesaid and upon such revocation such arrangement compact or understanding shall forthwith cease to be of any effect and that if the Local Government shall be satisfied that such consent as aforesaid was improperly obtained or that the <sup>licensee</sup><sub>licensees</sub> or the Trust Syndicate Corporation firm or person with whom such arrangement compact or understanding as aforesaid was come to has made any improper use of his or its powers under such arrangement compact or understanding then it shall be lawful for the Secretary of State to determine such lease by a notice in writing under the hand of a Secretary to the Local Government delivered to the <sup>licensee</sup><sub>licensees</sub> or any of his Managers or Agents or left upon the premises demised by such lease;

(4) an arrangement and declaration that ~~nothing~~ anything in such lease contained it shall be lawful for the Secretary of State by notification by the Local Government or by notice in writing under the hand of a Secretary to the Local Government from time to time to impose upon the <sup>licensee</sup><sub>licensees</sub> vary and rescind such restrictions and conditions as to the

(17)

On page 217 in the standard form of prospecting license *substitute* the following for clause (3) of Part IV :—

" (3) If upon the expiry of the term hereby granted the Collector shall be satisfied that the <sup>licensee has</sup><sub>licensees have</sub> been prevented by causes beyond the control of the <sup>licensee</sup><sub>licensees</sub> from completing <sup>his</sup><sub>their</sub> search of the said lands this license shall if the <sup>licensee</sup><sub>licensees</sub> shall by notice in writing to the Collector so require and subject to the payment by the <sup>licensee</sup><sub>licensees</sub> of the fees prescribed by the said rules for the renewal thereof be renewed for such further term or terms, not exceeding one year each as the <sup>licensee</sup><sub>licensees</sub> may desire and subject to the like covenants and stipulations in all respects as are herein contained: Provided that the total period for which this license shall be operative shall not exceed three years including the period for which the license was originally granted :

" PROVIDED THAT if the <sup>licensee is</sup><sub>licensees are</sub> engaged in prospecting for natural petroleum or natural gas and if upon the expiration of

(18)

On pages 217 and 218 in the standard form of prospecting license *omit* the foot-notes to clause (3) of Part IV.

(Government of India, Department of Industries and Labour, letter No. M-75, dated 16th February 1927: Government Resolution No. 711/21, dated 31st March 1927.)

(Correction Memo. No. 1.)

~~ing the period for which the license was originally granted."~~

(Government of India, Department of Industries and Labour, letter No. M-75, dated 16th February 1927: Government Resolution No. 711/21, dated 31st March 1927.)

shall by notice in writing to the Collector so require and subject to the payment by the <sup>licensee</sup><sub>licensees</sub> of the fees prescribed by the said rules for the renewal thereof be renewed† (for such further term not exceeding two years as the <sup>licensee</sup><sub>licensees</sub> may desire which renewed license shall contain the like covenants and stipulations in all respects as are herein contained with the exception of the present clause)† (for such further term not exceeding one year as the <sup>licensee</sup><sub>licensees</sub> may desire which renewed license shall contain the like covenants and stipulations in all respects as are herein contained including the present clause but subject to the condition that the total period for which this license shall be operative shall not exceed five years including the period for which the license was originally granted.)

(4) On such date within six calendar months after the determination of this license as the Collector shall elect the amount then remaining in deposit with the Collector and not required by the Collector to be applied to any of the purposes in the last preceding clause mentioned shall be refunded to the <sup>licensee</sup><sub>licensees</sub> or if the <sup>licensee</sup><sub>licensees</sub> shall have obtained a mining lease of the said lands or any portion thereof be retained at the credit of the <sup>licensee</sup><sub>licensees</sub> on account of the rents and royalties or deposit money to become payable under such lease.

V.—If and whenever any dispute or question shall arise regarding the construction meaning or effect of these presents or the rights powers liabilities or duties of the <sup>licensee</sup><sub>licensees</sub> hereunder or as to the amount or payment of any royalty or other money payable by virtue hereof or otherwise however in relation to these presents such dispute or question shall be referred to the Local Government whose decision thereon shall be final and binding on the parties hereto.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and the year first above written.

#### *Schedule A*

[Here insert description of lands with area, boundaries, names of District, Sub-District, Thana, etc., and cadastral survey numbers, if any.]

#### *Schedule B*

[Here insert the rates of royalty.]

#### *Schedule C*

[Here insert the quantities which may be taken free of royalty.]

*Signed by*

[name and designation]

for and on behalf of the

(2)

In the foot-note on page 218 for the words "Natural Petroleum" substitute the words "natural petroleum (including natural gas)."

(1) Signed by the above named

(by <sup>his</sup>~~their~~ attorney in the  
presence of

(2) Signed in the name and on behalf of the above named  
by

director of the said Company in the presence of

(3) Signed in the name and on behalf of the above named  
by their authorised agent  
in the presence of

(4) Signed by the above named  
(by their <sup>attorney</sup>~~agent~~  
in the presence of

## FORM OF AGREEMENT FOR USE IN CONNECTION WITH THE TRANSFER OF A PROSPECTING LICENSE

AN AGREEMENT dated \_\_\_\_\_ and made  
BETWEEN THE SECRETARY OF STATE FOR INDIA IN  
COUNCIL (hereinafter called the Secretary of State which  
expression shall be deemed to include his successors in office and  
assigns) of the one part and  
[hereinafter called the Transferee (s) which expression shall where  
he context so admits or implies be deemed to include <sup>his</sup>~~their~~  
(respective) heirs executors administrators and assigns] of the  
other part WHEREAS by virtue of a license (hereinafter called  
the License) dated \_\_\_\_\_

and made between the Secretary of State and (A)

(B) [and now vested by transfer in \_\_\_\_\_]  
(hereinafter called the Licensee(s) the Licensee(s) <sup>is</sup>~~are~~ entitled  
to search for and work the mines and minerals therein mentioned  
for the term and subject to the payment of the rent and royalties  
and the observance and performance of the Licensees' covenants

(1) This clause is to be used where the license is granted to one or more individuals  
(the name of the constituted attorney being filled in if the licensee or licensees do not  
sign personally).

(2) This clause is to be used where the license is granted to a registered company and  
if the signature is by an agent or attorney the appropriate designation should be inserted  
in place of the word "director."

(3) This clause is to be used where the license is granted to an unincorporated syndicate.

(4) This clause is to be used where the license is granted to a private firm (the name of  
the attorney or agent being filled in if the signature is not by a partner in the firm).

(A) Name of original Licensee.

(B) If there has been no previous transfer, strike out the words in brackets here. If  
there has been a previous transfer fill in the name of the holder in the blank within the  
brackets.

and conditions in the License reserved and contained including a covenant not to assign the License or any interest thereunder without the previous sanction of the Local Government AND WHEREAS the Licensee(s) <sup>is</sup>~~are~~ desirous of transferring and assigning the License to the Transferee(s) and the Local Government have at the request of the Licensee(s) granted sanction to such transfer and assignment upon condition of the Transferee(s) entering into an agreement in and containing the terms and conditions hereinafter set forth.

NOW IT IS HEREBY AGREED AND DECLARED by the Transferee(s) with and to the Secretary of State that from and after the transfer and assignment of the License by the Licensee(s) to the Transferee(s) the Transferee(s) shall be bound by and liable to perform and observe and conform and be subject respectively to all the provisions and conditions of all the covenants and stipulations on the part of the Licensee(s) and conditions in the License contained in the same manner in all respects as if the License had been granted to the Transferee(s) as the Licensee(s) thereunder and <sup>he</sup>~~they~~ had originally executed it as such and the Transferee(s) hereby undertake(s) and agree(s) with the Secretary of State to perform and observe the same covenants stipulations and conditions in all respects accordingly.

AS WITNESS the hands of the parties

### STANDARD FORM OF MINING LEASE

-THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ Between the Secretary of State for India in Council hereinafter referred to as The Secretary of State (which expression shall where the context so admits be deemed to include his successors in office and assigns) of the one part and<sup>(1)</sup> \_\_\_\_\_ [name of person] of \_\_\_\_\_ [address and occupation] (hereinafter referred to as the lessee which expression shall where the context so admits be deemed to include his heirs executors administrators representatives and permitted assigns)<sup>(1)</sup> and<sup>(2)</sup> \_\_\_\_\_ [name of person] of \_\_\_\_\_ [address and occupation] and \_\_\_\_\_ [name of person] of \_\_\_\_\_ [address and occupation] and \_\_\_\_\_ [name of person] of \_\_\_\_\_ [address and occupation] hereinafter referred to as the lessee(s) (which expression shall where the context so admits be deemed to include their respective heirs executors administrators and representatives and their permitted assigns)<sup>(2)</sup>

(1)—(1) This wording is to be used where the lease is granted to one individual.

(2)—(2) This wording is to be used where the lease is granted to more than one individual.

and<sup>(3)</sup> [name of company] Limited incorporated  
 in [country] and having its  
 registered office at [address]  
 (hereinafter referred to as the lessees which expression shall where  
 the context so admits be deemed to include its permitted assigns)<sup>(3)</sup>  
 and<sup>(4)</sup> the unincorporated body called  
 [name of syndicate] having their principal place  
 of business at [address] (hereinafter  
 referred to as the lessee(s) which expression shall where the  
 context so admits be deemed to mean and include the persons or  
 corporations who for the time being may be members of and the  
 permitted assigns of  
 [name of syndicate] )<sup>(4)</sup>  
 and<sup>(5)</sup> the firm of [name of firm]  
 having their principal place of business at  
 [address] (hereinafter  
 referred to as the lessees which expression shall where the context  
 so admits be deemed to mean and include the persons who for the  
 time being may be members of and the permitted assigns of  
 [name of firm] )<sup>(5)</sup>  
 of the other part

WITNESSETH that in consideration of the rents and royalties  
 covenants and agreements by and in these presents and the  
 Schedule hereunder written reserved and contained and on the part  
 of the <sup>lessee</sup>~~lessees~~ to be paid observed and performed the Secretary of  
 State hereby grants and demises\* unto the <sup>lessee</sup>~~lessees~~ ALL THOSE  
 the mines beds veins and seams of  
 (hereinafter and in the said Schedule referred to as the said  
 minerals) situate lying and being in or under the lands which are  
 referred to in Part I of the said Schedule TOGETHER with the  
 liberties powers and privileges to be exercised or enjoyed in  
 connection therewith which are mentioned in Part II of the said  
 Schedule SUBJECT to the restrictions and conditions as to the  
 exercise and enjoyment of such liberties powers and privileges  
 which are mentioned in Part III of the said Schedule EXCEPT  
 and reserving out of this demise unto the Secretary of State the  
 liberties powers and privileges mentioned in Part IV of the said  
 Schedule TO HOLD the premises hereby granted and demised  
 unto the <sup>lessee</sup>~~lessees~~ from the

day of 19 , for the term of  
 years thence next ensuing YIELDING AND PAYING therefor  
 unto the Secretary of State the several rents and royalties men-  
 tioned in Part V of the said Schedule at the respective times therein

(3)—(3) This wording is to be used where the lease is granted to a registered company.

(4)—(4) This wording is to be used where the lease is granted to an unincorporated syndicate.

(5)—(5) This wording is to be used where the lease is granted to a firm.

\* The wording of the indenture and of Part I of the Schedule leaves no doubt that lateral underground encroachment is not permissible beyond the limits of the mines, etc., demised by the lease. (G. L. R. & A. No. 2523—60—4, dated 11th December 1901; G. R. No. 878, dated 18th January 1902.)

specified SUBJECT to the provisions contained in Part VI of the said Schedule AND the <sup>lessee</sup><sub>lessees</sub> hereby <sup>covenants</sup><sub>covenant</sub> with the Secretary of State as in Part VII of the said Schedule is expressed AND the Secretary of State hereby <sup>lessee</sup><sub>lessees</sub> with the <sup>lessee</sup><sub>lessees</sub> as in Part VIII of the said Schedule is expressed AND it is hereby mutually agreed between the parties hereto as in Part IX of the said Schedule is expressed.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The Schedule above referred to—

### PART I.—THE AREA OF THIS LEASE.

All that tract of land situate at

Description of area.

in (Pargana)

in

the Registration District of  
Sub-District

and Thana

bearing Cadastral Survey Nos.

containing an area of  
or thereabouts delineated on the plan hereto annexed and thereon  
coloured and bounded as follows :

on the North by  
on the South by  
on the East by  
and on the West by

### PART II.—LIBERTIES, POWERS AND PRIVILEGES TO BE EXERCISED OR ENJOYED BY THE <sup>LESSEE</sup><sub>LESSEES</sub> SUBJECT TO THE RESTRICTIONS AND CONDITIONS IN PART III.

1. Liberty and power to enter upon the lands referred to in  
Liberty to work mines. Part I (hereinafter referred to as the said  
lands) and to search for win work get raise  
[convert] and carry away the said minerals.

2. Liberty and power for or in connection with any of the  
purposes mentioned in this part to sink drive  
Liberty to sink pits, etc., make maintain and use in the said lands any  
[and use existing pits, etc]. pits shafts inclines drifts levels waterways  
airways and other works [and to use maintain deepen or extend any  
existing works of the like nature in the said lands.]

3. Liberty and power for or in connection with any of the purposes  
mentioned in this part to erect construct  
Liberty to make works maintain and use on or under the said lands  
[and use existing works]. any engines machinery plant dressing floors  
furnaces [coke-ovens] brick-kilns lime-kilns workshops storehouses  
bungalows godowns sheds and other buildings and other works and  
conveniences [and to use and maintain any existing works and con-  
veniences of the like nature on or under the said lands.]

4. Liberty and power for or in connection with any of the purposes mentioned in this Part to make any

*Liberty to make roads and ways [and use existing roads and ways].*

tramways railways roads and other ways in or over the said lands and to use maintain and go and repass with or without horses cattle wagons or locomotives over the same (or any existing tramways railways roads and other ways in or over the said lands).

- \*5 Liberty and power for or in connection with any of the purposes mentioned in this Part to quarry and

*Liberty to get building and road materials, make bricks, etc.*

get stone sand gravel and other building and road materials and clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles but not to sell any such materials bricks or tiles.

6. Liberty and power for or in connection with any of the purposes mentioned in this Part to appropriate

*Liberty to use water.*

and use any streams watercourses springs or water in or upon the said lands and to divert stop up or dim any such stream or watercourse and collect or impound any water and to make construct and maintain any watercourses culverts drains and reservoirs but not so as to deprive any cultivated lands villages buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs.

7. Liberty and power to enter upon and use a sufficient part of the surface of the said lands adjacent to any

*Liberty to use land for stacking.*

pits or works for the purpose of stacking heaping or depositing thereon any produce of the mines or works carried on and any earth materials and substances dug or raised under the liberties and powers mentioned in this Part.

- †8. Liberty and power upon the said lands to convert into coke any coal produced from the said lands and to

*Liberty to make coke.*

carry away such coke.

9. Liberty and power for or in connection with any of the purposes mentioned in this Part to fell cut and use any

*Liberty to take timber from reserved forest.*

timber or trees now standing or which hereafter may be standing upon the reserved forest land included within the said lands provided that not more than acres of such reserved forest land shall be cleared in any one year nor the same place oftener than once in every year and not more than trees shall be felled in any one year and provided also that the exercise of the liberty and power expressed in this clause shall be subject to the observance of the terms and conditions following that is to say—

\* The privileges described in this clause do not extend to prospectors and there is no reason so to extend them (G. R. No. 7545, dated 22nd August 1910).

† To be used in the case of coal only.



# PART III—RESTRICTIONS AND CONDITIONS AS TO THE EXERCISE OF THE LIBERTIES POWERS AND PRIVILEGES IN PART II

1. No building or thing shall be erected set up or placed and no surface operations shall be carried on in or upon any public pleasure ground burning or burying ground or place held sacred by any class of persons or any house or village site public road or other place which the Local Government within the territories administered by which the said lands are situate (hereinafter called the Local Government) may determine on public grounds to bring within this restriction nor in such a manner as to injure or prejudicially affect any buildings works property or rights of other persons and no lands shall be used for surface operations which is already occupied by persons other than the Secretary of State for works or purposes not included in this lease if any other land not so occupied is suitable and available for such surface operations.

2. Before using for surface operations any land which has not already been used for such operations the <sup>lessee</sup>/<sub>lessees</sub> shall give to the No surface operations upon land not already used therefor unless after notice and unless no objections thereto. for the time being as the agent in that behalf of the Secretary of State two calendar months' previous notice in writing specifying the name or other designation the situation and the quantity of the land proposed to be so used and the purpose for which the same is required and such land shall not be so used if the said agent shall within two calendar months after the receipt by him of such notice state some objection to such user unless the objection or objections so stated shall on reference to the Local Government be annulled or waived by such Government.

3. Save as provided in clause 9 of Part II of this Schedule the <sup>lessee</sup>/<sub>lessees</sub> shall not without the express sanction of the Collector cut down or injure any timber or trees on the said lands but may without such sanction clear away any brushwood or undergrowth which interferes with any operations authorised by these presents.

Notwithstanding anything in this Schedule contained the <sup>lessee</sup>/<sub>lessees</sub> shall not enter upon any reserved forest included in the said lands without thirty days' previous notice in writing to the District Forest Officer nor without obtaining the sanction in writing of that officer nor otherwise than in accordance with such conditions as that officer may in his absolute discretion prescribe,

No reserved forest to be entered upon without sanction of District Forest Officer.

\*4. No mining operations or workings shall be carried on

No workings within 50 yards of public works, etc., except with previous permission.

or permitted to be carried on by the <sup>lessee</sup> ~~lessee~~ in or under the said lands at or to any point within a distance of 50 yards from any railway reservoir canal or other public works or any building or inhabited site shewn on the plan hereto annexed except with the previous permission in writing of the Governor-General of India in Council or some officer authorised by him in that behalf or otherwise than in accordance with such instructions restrictions and conditions either general or special which may be attached to such ~~permission~~. The said distance of 50 yards shall be measured in the case of a railway reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in the case of a building horizontally from the plinth thereof. †For the purpose of this clause the expression "railway" shall have the same meaning as it is defined to have in the Indian Railways Act, 1890. by section 3 (4) of that Act.†

PART IV.—LIBERTIES POWERS AND PRIVILEGES  
RESERVED TO THE SECRETARY OF STATE

1. Liberty and power for the Secretary of State or any lessee or

Liberty to work other minerals.

person authorised by him in that behalf to enter into and upon the said lands and to search for win work dig get raise [convert] and carry away any other than the said minerals and any other substances and for those purposes to sink drive make erect construct maintain and use such pits shafts inclines drifts levels waterways airways water courses drains reservoirs engines machinery plant buildings canals tramways railways roads ways and other works and conveniences as may be deemed necessary or convenient PROVIDED that in the exercise of such liberty and power no hindrance or interference shall be caused to or with the liberties powers and privileges of the <sup>lessee</sup> ~~lessee~~ under these presents and that fair compensation shall be made to the <sup>lessee</sup> ~~lessee~~ for all loss or damage sustained by the <sup>lessee</sup> ~~lessee~~ by reason or in consequence of the exercise of such liberty and power.

2. Liberty and power for the Secretary of State and any lessee

Liberty to make railways and roads.

or person authorised by him in that behalf to enter into and upon the said lands and to make upon over and through the same any railways tramways or roads for any other than the purposes aforesaid and to get from the said lands stone gravel earth and other

\* The power exercisable by the Governor-General in Council is delegated to Local Governments and Administrations subject to the condition that the Chief Inspector of Mines in India is previously consulted. (G. I., C. & I., No. 8653—138, dated 2nd September 1914 : G. R. No. 9470, dated 6th October 1914.)

† This sentence was added by G. I., C. & I., letter No. 13537, dated 15th December 1914 : G. O. No. 497, dated 18th January 1916.

materials for making maintaining and repairing such railways tramways and roads or any existing railways tramways and roads and to go and repass at all times over or along any such railways tramways or roads for all purposes and as occasion may require.

## PART V.—RENTS AND ROYALTIES RESERVED BY THIS LEASE

1. The <sup>lessee</sup><sub>lessees</sub> shall as from the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ during the subsistence of this lease pay to the Secretary of State the certain half-yearly Fixed half yearly rent. \_\_\_\_\_ the certain half-yearly rent of Rs. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year the first payment thereof <sup>to be</sup><sub>having been</sub> made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ in respect of which rent the <sup>lessee</sup><sub>lessees</sub> may in the half-year in respect of which the same is payable sell (convert) and carry away such aggregate quantity of the said minerals \* [or of crude oil extracted therefrom or of both] as at the rates in the next succeeding clause mentioned would produce royalties for that half-year equal in amount to the said half-yearly rent but the said half-yearly rent shall be paid whether such quantity shall be sold (converted) and carried away or not.

+ PROVIDED THAT when the <sup>lessee holds</sup><sub>lessees hold</sub> more than one lease for the said minerals within the territories administered by the Local Government within whose jurisdiction the said lands are situate To be used in the case of iron-ore only. <sup>he</sup><sub>they</sub> whose jurisdiction the said lands are situate the <sup>lessee</sup><sub>lessees</sub> may if <sup>he</sup><sub>they</sub> so desire and provided <sup>he claims</sup><sub>they claim</sub> the privilege before any payment is due require that for the purpose of ascertaining whether royalty is payable under the said leases all such leases held by <sup>him</sup><sub>them</sub> shall be treated as if they were one lease, so that <sup>he</sup><sub>they</sub> shall be entitled upon payment in any half-year of the total certain half-yearly rents payable under those leases to sell and carry away free of royalty in that half-year such aggregate quantity of the said minerals from any one or more of the lands demised unto the <sup>lessee</sup><sub>lessees</sub> by any one or more of those leases as at the respective rates prescribed in those leases would produce royalties for that half-year equal in amount to the total certain half-yearly rents payable under those leases for that half-year: PROVIDED ALWAYS that when the <sup>lessee claims</sup><sub>lessees claim</sub> the privilege mentioned in the foregoing proviso the Local Government shall be entitled (having regard to the circumstances of the case and notwithstanding any provisions relating to the certain half-yearly rents contained in the said leases) to fix any amount other than the total of the said certain half-yearly rents as the combined half-yearly rent in respect of all the said leases and if the Local Government so fixes an amount as the combined half-yearly rent in respect of all the said leases then the first proviso contained in this clause shall be read and have effect as if for the words

\* To be used in the case of oil-shale only.

† The proviso was inserted by G. I. L. & L. letter No. M.-839, dated 24th July 1923: G. R. No. 4524-24, dated 21st August 1925.

"the total certain half-yearly rents payable under these leases" the words "the amount fixed by the Local Government under the next proviso as the combined half-yearly rent in respect of the leases" were substituted.

2. The <sup>lessee</sup>/<sub>lessors</sub> shall during the subsistence of this lease pay to the Government of State on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year—

[Royalty at the rate of 5 per cent. of the sale value at the pit's mouth or two annas per ton whichever shall be the greater of all coal produced from the said lands which shall be sold upon the said lands or carried away therefrom or converted into coke thereon by the <sup>lessee</sup>/<sub>lessors</sub> and at the rate of 2½ per cent. of the sale value at the pit's mouth or one anna per ton whichever shall be greater of all coal dust <sup>lessee</sup>/<sub>lessors</sub> from the said lands which shall be sold upon the said lands or carried away therefrom (or converted into coke thereon) by the <sup>lessee</sup>/<sub>lessors</sub> during the half-year preceding the said dates respectively in excess of the <sup>lessee</sup>/<sub>lessors</sub> quantity which the <sup>lessee</sup>/<sub>lessors</sub> are authorised to sell convert and carry away in that half-year in respect of the said certain half-yearly rent PROVIDED that no royalty shall be payable in respect of any coal or coal dust which may be actually consumed in the engines or furnaces or otherwise consumed in working the mines and works of the <sup>lessee</sup>/<sub>lessors</sub> in or upon the said lands or supplied without charge to the managers, agents and workmen of the <sup>lessee</sup>/<sub>lessors</sub> employed on the said lands nor shall such coal or coal dust be taken into account in reckoning the quantity of coal which the <sup>lessee</sup>/<sub>lessors</sub> are authorised to sell convert and carry away in respect of the said certain half-yearly rent.]

\*[royalty at the rate of one anna for every ton of all iron-ore produced from the said lands which shall be sold upon the said lands or carried away therefrom by the <sup>lessee</sup>/<sub>lessors</sub> during the half-year preceding the said dates respectively in excess of the quantity which the <sup>lessee</sup>/<sub>lessors</sub> are authorised to sell and carry away in that half-year in respect of the said certain half-yearly rent PROVIDED ALWAYS that if and whenever the tariff valuation for imported pig iron as fixed by the Governor-General in Council under the Indian Tariff Act and for the time being in force exceeds Rs. 65 per ton a further one anna per ton royalty shall become payable hereunder for every Rs. 15 or part thereof by which such

\*This clause was added by G.I., Board of Industries and Munitions, letter No. M.-804-6, dated 26th October 1920; G. O. No. 3464, dated 14th December 1920. The clause has been reproduced as amended by G. I., I. & L., letter No. M.-839, dated 24th July 1925; G. R. No. 4523-24, dated 21st August 1925.

tariff valuation of pig iron exceeds Rs. 65 per ton PROVIDED FURTHER that should the tariff valuation of pig iron become fictitious owing to cessation of import or any other cause (as to which the decision of the Governor General in Council shall be final, the market value of pig iron for the purpose of the assessment of royalty payable shall be determined by the Governor General in Council whose decision shall be final and such valuation shall be in force from such date and for such period as may be determined by the Governor-General in Council.]

[royalty at the rate of half anna for every ton of all iron-ore produced from the said lands which shall be sold upon the said lands or carried away therefrom by the <sup>lessee</sup> ~~lessees~~ during the half-year preceding the said date respectively in excess of the quantity which the <sup>lessee is</sup> ~~lessees are~~ authorized to sell and carry away in that half-year in respect of the said certain half-yearly rent.]

[royalty at the rate of 5 per cent. of the sale value at the pit's

(4)

On page 228 in clause 2 of Part V of the Standard Form of Mining Lease, for the sub-clause relating to royalty on Natural Petroleum substitute the following:—

" [royalty at the rate of 5 per cent. on the well-head value or 8 annas per 40 gallons whichever shall be the greater of all natural petroleum produced from the said lands which shall be sold upon the said lands or carried away therefrom by the <sup>lessee</sup> ~~lessees~~ and at the rate of 5 per cent. on the well-head value of all natural gas produced from the said lands which shall be sold by the <sup>lessee</sup> ~~lessees~~ or utilised by <sup>him</sup> ~~them~~ for any purpose other than the production of natural petroleum or natural gas during the half-year preceding the said dates respectively in excess of the aggregate quantity which the <sup>lessee is</sup> ~~lessees are~~ authorised to sell convert and carry away in that half-year in respect of the said certain half-yearly rent PROVIDED ALWAYS that in the case of natural gas converted into gasoline the well-head value shall be calculated on the volume of gasoline manufactured and shall be deemed to be equivalent to the selling value of gasoline less the cost of its manufacture and the royalty payable thereon shall be subject to a minimum of 8 annas per 40 gallons of gasoline manufactured PROVIDED FURTHER that the Local Government shall be entitled to convert at its option at any time the 5 per cent. rate of royalty payable on natural petroleum or natural gas to an equivalent charge per 40 gallons of natural petroleum or gasoline (not being less than 8 annas) per 1,000 cubic feet of natural gas, as the case may be, and such conversion shall be in force for a period not exceeding one year at a time from any of the said dates as may be determined by the Local Government.] "

(Government of India, Department of Industries and Labour, letter No. M.-75, dated 1st February 1926; Government Resolution No. 1524-24, dated 22nd December 1926.)

<sup>lessee</sup>  
~~lessee~~ during the half-year preceding the said dates respectively in excess of the aggregate quantity which the <sup>lessee is</sup>  
~~lessee~~ authorised to sell and carry away in that half-year in respect of the said certain half-yearly rent.]

3. The <sup>lessee</sup>  
~~lessee~~ shall pay to the Secretary of State in respect of all parts of the surface of the said land which shall from time to time be occupied or used by the <sup>lessee</sup>  
~~lessee~~ under the authority of these presents rent at the rate of Rs.                      per annum per                      of the area so occupied or used and so in proportion for any area less than a                      during the period from the commencement of such occupation or use until the area shall cease to be so occupied or used and shall be restored to its original condition which rent shall be computed and shall be paid on each of the half-yearly dates hereinbefore appointed for payment of the said certain half-yearly rent PROVIDED that no such rent shall be payable in respect of the occupation or use of the area comprised in any roads or ways existing on the said lands at the commencement of the term of this lease.

#### PART VI.—PROVISIONS RELATING TO THE RENTS AND ROYALTIES

1. *The rents and royalties mentioned in Part V of this Schedule shall be paid free from any deductions to*  
Place of payment.                      the                      at                      or to such other officer and at such other place as the                      shall from time to time appoint.

\*PROVIDED ALWAYS and it is hereby agreed that Rs. the balance standing to the credit of the <sup>lessee</sup>  
~~lessee~~ on account of the deposit made by <sup>him</sup>  
~~them~~ on applying for this lease shall be retained and accented by the Secretary of State in satisfaction of the rents and royalties mentioned in Part V until they reach that amount.

2. *If in any half-year after the first twelve months of the said term the <sup>lessee</sup>*  
*Average clause.*                      <sup>lessee</sup>  
~~lessee~~ shall not sell (convert) and carry away such aggregate quantity of the said minerals [† or extract such quantity of crude oil therefrom] as at the rates mentioned in clause 2 of Part V of this Schedule would produce royalties for that half-year equal in amount to the said certain half-yearly rent then and in such case the <sup>lessee</sup>  
~~lessee~~ shall not in the next

\* This proviso was added by G. I., Department of Industries, letter No. M. 888-3, dated 2nd May 1922 : G. R. No. 4079, dated the 23rd *idem*. As this proviso is based on the Mining Rules (No. 36 of the Mining Rules), it is not permissible to alter or omit it except when no cash deposit has been made under rule 36 of the Mining Rules. In cases, however, where such a cash deposit has been made but the Local Government intend in their discretion to omit the main clause 1 of part VI, they should include in the lease the clause drafted as a proviso with the omission of the words "provided always and". G. I., Department of Industries letter No. M. 888-3, dated 2nd May 1922 : G. R. No. 4079, dated the 23rd *idem*.

† [ ] To be used in the case of oil-shale only.

succeeding half-year pay any rent or royalty (other than the said certain half-yearly rent) in respect of the quantity of the said minerals sold (converted) or carried away [\* or of crude oil extracted therefrom] in that half-year which is equivalent to the deficiency in the said minerals sold (converted) or carried away [\* or in crude oil extracted therefrom] in the preceding half-year which shall at the rate of royalty payable during the succeeding half-year be required to produce royalties for the preceding half-year equal in amount to the said certain half-yearly rent. +

3. For the purpose of computing the said royalties the weight of the coal and coal dust shall be ascertained at the time or respective times of the same being sold or despatched from the said lands or immediately before its conversion into coke as the case may be.

For the purpose of computing the said royalty the <sup>sale</sup> gross value of the shall be ascertained  
For the purpose of computing the said royalty the profits on the shall be deemed to be the amount  
by which the revenue derived from the sale of such shall exceed the expenditure in connection with the

if the same including the expenses chargeable to the actual working and management of the mines and works of the <sup>LESSEE</sup> ~~LESSEES~~ during the period for which the royalty is to be computed. But there shall not be taken into account any allowances for depreciation or amortization or the fees of any directors (save those Directors who actually direct technical operations and are specially designated Managing Directors) or any revenue or expenditure obtained or incurred on account of share or capital transactions or by trading.

## PART VII.—THE COVENANTS OF THE <sup>LESSEE</sup> ~~LESSEES~~

1. The <sup>lessee</sup> ~~lessees~~ shall pay the rents and royalty reserved by this lease at the times and in the manner provided in Parts V and VI and shall also pay and discharge all taxes rates assessments and impositions whatsoever being in the nature of public demands which shall from time to time be charged assessed or imposed upon or in respect of the mines or works of the <sup>lessee</sup> ~~lessees~~ or any part thereof by authority of the Government of India or the Local Government or otherwise except demands for land revenue and shall also pay interest at the rate of per cent. per annum on all arrears of such rents or royalty from the date whereon the same ought to be paid under these presents.

2. The <sup>lessee</sup> ~~lessees~~ shall at the <sup>lessee's</sup> ~~lessees'~~ own expense forthwith erect and at all times maintain and keep in repair boundary marks and pillars along the boundaries of the said lands according to the demarcation shown in the

\* [ ] To be used in the case of oil-shale only.

† The original clause was amended by G. L. I. & L. letter No. M.-839, dated 24th July 1925 : G. B. No. 4524-24, dated 21st August 1925.

plan hereto annexed (\*and shall also, in cases where, in the opinion of the local Government, there is danger of mining operations extending beyond the boundary of the said lands, keep the line between the said marks and pillars sufficiently clear of stones and other obstructions to allow of easy identification of such boundary).

3. †Unless good cause exists for exemption from this present covenant (a question on which the decision of the Local Government shall be final), the <sup>lessee</sup> shall within one year from the date of this lease start mining operations in the said lands to the satisfaction of the Local Government and shall unless exempted as aforesaid thereafter at all times during the continuance of this lease search for win work and develop the said minerals without voluntary intermission in a skilful and workmanlike manner and upon the most approved principle without doing or permitting to be done any unnecessary or avoidable damage to the surface of the said lands or the crops buildings structures or other property thereon and shall not cultivate or use the said lands in any manner other than as authorised by these presents.

4. The <sup>lessee</sup> shall during the said term well and sufficiently secure and keep open with timber or other durable means all pits shafts and workings that may be made or used in the said lands and make and maintain sufficient fences round every such pit or shaft and also shall at all times during the said term keep all workings in the said lands except such as may be abandoned free from water and from foul air as far as possible.

5. The <sup>lessee</sup> shall on notice from the Secretary of State strengthen and support to his satisfaction any part or parts of the mine when in his opinion such strengthening and support is needed for the safety of any railway reservoir canal or other public work or any building, whether the said railway reservoir canal or other public work or other building shall be existing during the working of such part or parts of the mine already existing or shall be constructed after the said part or parts of the mine have been worked out. Such strengthening and support shall be made and done at the expense of the <sup>lessee</sup> if they are needed for the safety of any railway reservoir canal or other public work or other buildings as aforesaid already existing at the time of the working of the said part or parts of the mine by reason of the <sup>lessee</sup> having conducted mining operations within the limits prohibited by clause 4 of Part III of this schedule and in other cases at the expense of the Secretary of State.

\* This addition was made by G. I., I. & L., letter No. M.-839 dated 30th July 1924 : G. R. No. 1640-24, dated 8th August 1924.

† The original clause was amended by G. I., I. & L., letter No. M.-839, dated 24th July 1925 : G. R. No. 4524-24, dated 21st August 1925.



6. The agents servants and workmen authorised by the Local Government in this behalf shall be at liberty at all reasonable times during the said term to inspect and examine all mines and works carried on by the <sup>lessee</sup><sub>lessees</sub> in or under the said lands and make surveys or plans thereof and the <sup>lessee</sup><sub>lessees</sub> shall with proper persons employed by the <sup>lessee</sup><sub>lessees</sub> and appointed with the mines and works effectually assist such agents servants and workmen in conducting every such inspection and shall afford them all information connected with the working of the mines which they may reasonably require and also shall and will conform to and observe all orders and regulations which the Local Government as the result of such inspection or otherwise may from time to time see fit to impose in the interests of public health and safety.
7. The <sup>lessee</sup><sub>lessees</sub> shall without delay send to the Collector or the Deputy Commissioner of the District a report of any accident which may at any time occur at or in the said lands or any pit shaft or working therein.
8. Whenever the <sup>lessee</sup><sub>lessees</sub> shall find in the said lands any mineral product other than the said minerals the <sup>lessee</sup><sub>lessees</sub> shall immediately report such discovery in writing to the Collector or Deputy Commissioner of the District with full particulars of the nature and position of each find.
9. The <sup>lessee</sup><sub>lessees</sub> shall at all times during the said term keep or cause to be kept at an office to be situate upon or near the said lands correct and intelligible books of accounts upon such plan or principle and in such form as may be approved of by the Local Government which books shall contain accurate entries shewing from time to time (1) the quantity of the said minerals realised from the said lands (2) the quantity of coal converted into coke (3) the quantity of the said minerals sold and exported respectively (4) the quantity of the said minerals otherwise disposed of and the manner and purpose of such disposition (5) the prices and other particulars of all sales of the said minerals (6) the number of persons employed in the mines or works in or upon the said lands, and (7) all such other facts particulars and circumstances as the Local Government may consider necessary for conveniently ascertaining the amount of the royalty from time to time payable under these presents and the <sup>lessee</sup><sub>lessees</sub> shall also furnish free of charge to such officer and at such times as the Local Government may appoint true and correct abstracts of all or any of such books of accounts and such information and returns as to all or any of the matters aforesaid as the Local Government may prescribe and shall at all reasonable times allow such officers as the Local Government shall in that behalf appoint to enter into and have free

access to the said office for the purpose of examining and inspecting the said books of accounts and to take copies thereof and make extracts therefrom.

10. The <sup>lessee</sup>  
~~lessee~~ shall at all times during the said term cause to be made and kept at the said office correct and intelligible plans and sections of the mines in the said lands which plans and sections shall show as well the operations and workings carried on as also all views faults and other disturbances observed and encountered in such operations and workings and all such plans and sections shall be ~~provided and filled up by and from actual surveys to be made for that purpose at the end of every period of twelve months and the~~ <sup>lessee</sup>  
~~lessee~~ shall furnish free of charge to the Local Government true and correct copies of such plans and sections whenever thereunto required.

11. The <sup>lessee</sup>  
~~lessee~~ shall provide and at all times keep at or near the pit head or each of the pit heads at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said minerals from time to time brought to bank sold exported [and converted into coke or other use] and shall at the close of each day cause the total weight of the minerals by such means of the said minerals raised sold exported [and converted] during the preceding twenty-four hours to be entered in the aforesaid books of accounts and will permit the Local Government at all times during the said terms to employ any person or persons to be present at the weighing of the said minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the <sup>lessee</sup>  
~~lessee~~.

12. The <sup>lessee</sup>  
~~lessee~~ shall allow any person or persons appointed in that behalf by the Local Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the Local Government may require that the same be adjusted repaired and put in order by and at the expense of the <sup>lessee</sup>  
~~lessee~~ and if requisition be not complied with within fourteen days after the same shall have been made the Local Government may cause such weighing machine or weights to be adjusted repaired and put in order and the expense of so doing shall be paid by the <sup>lessee</sup>  
~~lessee~~ to the Local Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the Secretary of State such error shall be regarded as having existed for three calendar months previous to the discovery thereof or from the last occasion of so examining and testing the

*same weighing machine and weights in case such occasion shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.*

13. The <sup>lessee</sup>~~lessee~~ shall make and pay reasonable satisfaction and compensation for all damage or injury to person or property which may be done by <sup>To pay compensation for</sup>~~injury to third parties~~ or on the part of the <sup>lessee</sup>~~lessee~~ in exercise of the liberties and powers granted by these presents and shall at all times save harmless and keep indemnified the Secretary of State from and against all suits claims and demands which may be brought or made by any person or persons in respect of any such damage or injury.

14. The <sup>lessee</sup>~~lessee~~ will exercise the liberties and powers hereby granted in such a manner as to offer no unnecessary or reasonably avoidable obstruction or interruption to the development and working of any minerals not included in this lease and will at all times afford to the Secretary of State and to the holders of prospecting licences <sup>Not to obstruct working</sup>~~of other minerals.~~

### **Correction memorandum No. 10 to the Mines Manual, Bombay [Revised (Second) Edition], 1927.**

#### **No. 59.**

Substitute the following for the entries in correction slip No. 55 :—

On page 234 in clause 15 of Part VII of the Standard Form of Mining Lease after the words "Local Government" *insert* the following :—

"nor shall the <sup>lessee</sup>~~lessee~~ allow this lease or any interest hereunder to be attached or sold in compliance with any decree or order of a Court or Revenue Officer."

(Government of India, Department of Industries and Labour,  
endorsement, No. M. 75, dated 27th July 1932.)

(Correction memorandum No. 10.)

~~shall not be directly or indirectly by or for the benefit~~  
of or subject to the control of any Trust Syndicate Corporation, Firm or Person unless with the written sanction given prior to such arrangement compact or understanding being entered

\*The original clause was amended by G. I., Department of Industries letter No. M-861-2 dated 1st February 1922 (G. R. No. 4079, dated 6th March 1922) and G. I., I. & L., letter No. M-1150, dated 9th June 1925. (G. R. No. 4079, dated 18th July 1925).

† This proviso was inserted by G. I., O. & L., letter No. 7682, dated 7th August 1918 : G. O. No. 9207, dated 12th September 1918.

‡ The original clause was amended by G. I., I. & L., letter No. M-889, dated 24th July 1925: G. R. No. 4524-24, dated 21st August 1925.

into or made of the Local Government and any or every such arrangement compact or understanding as aforesaid (entered into or made with such sanction as aforesaid) shall only be entered into or made and shall always be subject to an express condition binding upon the other party or parties thereto that on the occasion of a state of emergency of which the Governor-General of India in Council shall be the sole judge it shall be terminable if so required in writing by the Local Government and shall in the event of any such requisition being made be forthwith thereafter determined by the <sup>lessee</sup>  
~~lessees~~ accordingly.

17. The <sup>lessee</sup>  
~~lessees~~ will at the expiration or sooner determination of the said terms deliver up to the Secretary of State all mines pits shafts inclines drifts levels waterways airways and other works [now existing or] hereafter to be sunk or made under the said lands (except such as may have been abandoned with the sanction of the Local Government or in an ordinary and fair course of working) and all [engines machinery plant building structures and other works and conveniences which at the commencement of the said term were upon or under the said lands and all] engines machinery plant and fixtures set up by the <sup>lessee</sup>  
~~lessees~~ below ground level which cannot be removed without causing injury to any mines or works under the said lands (except such of the same as may with the sanction of the Local Government have become disused) and all buildings and structures of brick or stone erected by the <sup>lessee</sup>  
~~lessees~~ above ground level in good repair order and condition and fit in all respects for further working of the said minerals.

18. (a) The <sup>lessee</sup>  
~~lessees~~ shall at all times during the said term remain or be a British subject or subjects or a British Company or Corporation registered incorporated or established in British India or the United Kingdom or some other part of His Majesty's dominions and of which at all times during the said term the Chairman or President or other person occupying that or any similar position (if any) and the Managing Director (if any) and a majority of the other Directors (if any) shall be a British subject or British subjects and the Managing Agents or Managing Agent Secretaries or Secretary (if any) shall be a firm of which every member is a British subject an individual who is a British subject or a Company in every respect answering the description and satisfying the conditions last hereinbefore contained and laid down as those to which the Company itself must as the <sup>lessee</sup>  
~~lessees~~ conform.

(b) The Local General Manager and not less than per cent. of the local staff employed by the <sup>lessee</sup>  
~~lessees~~ shall at all times during the said term be a British subject or British subjects and neither the <sup>lessee</sup>  
~~lessees~~ nor the said mines and minerals shall at any time during the said term be or become directly or indirectly controlled or managed by any person or persons who are not a

British subject or subjects or a Company in every respect answering to the description and satisfying the conditions last hereinbefore mentioned.

19. The Lessee being a company or corporation shall report to <sup>\*Here insert suitable</sup> the Local Government any alteration in its Memorandum or Articles of Association, or in its constitution within\* after the same shall have been made and shall give two months' previous notice in writing to the Local Government of any intention or proposal to make any such alteration which might conceivably affect its British status or character and no such alteration shall be made unless the Local Government shall have previously consented thereto in writing PROVIDED ALWAYS that the consent of the Local Government shall not be refused to any such alteration as aforesaid in the Memorandum and Articles of Association or the constitution of the lessee unless in its opinion such alterations shall be contrary to the cardinal principle laid down by Government in respect of the said minerals, that is to say, that the lessee(s) shall be and remain a British subject or British subjects or a British Company under British control.

20. (a) The Secretary of State shall from time to time and at all times during the said term have the right <sup>Right of pre-emption.</sup> (to be exercised by notice in writing to the <sup>lessee</sup> ~~lessees~~ under the hand of any Secretary to Government) of pre-emption of the said minerals (and all products thereof) lying upon the said lands hereby demised or elsewhere under the control of the <sup>lessee</sup> ~~lessees~~ and the <sup>lessee</sup> ~~lessees~~ shall, with all possible expedition and so as to avoid demurrage on the vessel or vessels engaged to convey the same, deliver all minerals or products of minerals purchased by the Secretary of State under the power conferred by this provision in the quantities at the times in the manner and at the place of shipment or storage specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the Secretary of State hereunder be detained on demurrage at the port of loading, the <sup>lessee</sup> ~~lessees~~ shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the Secretary of State shall be satisfied that the delay is due to causes beyond the control of the <sup>lessee</sup> ~~lessees~~.

(c) \* The price to be paid for all minerals or products of minerals taken in pre-emption by the Secretary of State in exercise of the right hereby conferred shall be the fair market price for the time being to be determined in default of agreement by the Local Government under the provision hereinafter in clause 13 of Part IX

\* The original clause was amended by G. I., I. & L., letter No.M. 839, dated 24th July 1935: G. R. No. 4524-24, dated 21st August 1935.

of this schedule contained PROVIDED THAT in order to assist in arriving at the said fair market price the <sup>lessee</sup>~~lessees~~ shall if so required furnish to the Local Government for the confidential information of the Secretary of State particulars of the quantities, descriptions and prices of the said minerals or products thereof sold to other customers and of charters entered into for freight for carriage of the same and shall produce to such officer or officers as may be directed by the Local Government original or authenticated copies of contracts and charter parties entered into for the sale or freightage of such minerals or products.

(d) \* On the occasion of a state of emergency of which the Secretary of State shall be the sole judge and notice in writing under the hand of any Secretary to Government shall be conclusive evidence the <sup>lessee</sup>~~lessees~~ shall on such notice as in the last preceding sub-clause mentioned requiring <sup>him</sup>~~them~~ so to do use <sup>his</sup>~~their~~ utmost endeavours to increase the supply to or for the Secretary of State of the minerals or products thereof purchased by him as aforesaid to the extent specified in such notice.

#### PART VIII—THE COVENANTS OF THE SECRETARY OF STATE

1. The <sup>lessee</sup>~~lessees~~ paying the rents and royalties hereby reserved and observing and performing all the covenants and agreements herein contained and on the part of the <sup>lessee</sup>~~lessees~~ to be observed and performed shall and may quietly hold and enjoy the rights and premises hereby demised for and during the term hereby granted without any lawful interruption from or by the Secretary of State or any person rightfully claiming under him.

2. \*If the <sup>lessee</sup>~~lessees~~ shall be desirous of taking a renewed lease of the premises hereby demised for the further term of <sup>To renew.</sup> years from the expiration of the said terms hereby granted and of such desire shall prior to the expiration of such last mentioned term give to the (

) six calendar months' previous notice in writing and shall pay the rents and royalties hereby reserved and observe and perform the several covenants and agreements herein contained and on the part of the <sup>lessee</sup>~~lessees~~ to be observed and performed up to the expiration of the said term hereby granted the Secretary of State will upon the request and at the expense of the <sup>lessee</sup>~~lessees~~ and upon his executing and delivering to the Secretary of State if required a counterpart thereof execute and deliver to the <sup>lessee</sup>~~lessees~~ a renewed lease of the said premises for the further term of years at such rents not exceeding twice the rents hereby reserved and at such royalties as may be prescribed by the Governor-General in Council but otherwise upon the like terms and

\* The original clause was amended by G.L., I & L, letter No. M. 839, dated 24th July 1925: G. R. No. 454-24, dated 21st August 1925.

under and subject to the like covenants and agreements as are contained in these presents \* (other than this present covenant) † [including this present covenant but varied so that no third renewal is claimable and so that during a second renewal the royalties payable shall be such as may be prescribed by the Governor-General in Council and the rents payable thereunder shall be such as may be fixed by the Local Government but such rents shall not exceed twice the rents reserved under the first renewal lease].

#### PART IX.—GENERAL PROVISIONS

1. If any rent or royalty hereby reserved shall be in arrear or unpaid for the space of two calendar months next after the day whereon the same ought to be paid then (whether the same shall have been formally demanded or not) and so often as the same shall happen the Local Government on behalf of the Secretary of State may enter into and upon the said lands and may distrain all or any of the minerals mineral ore moveable engines machinery plant live and dead stock

#### Correction Memorandum No. 9 to the Mines Manual, Bombay [Revised (Second) Edition], 1927.

#### No. 58.

Substitute the following for the entries in correction slip No. 56—

On page 238 in clause 2 of Part IX of the Standard Form of Mining Lease—

(a) In the seventh line *between* the words “performed” and “or” *insert* the following:—

“Or if this lease or any interest hereunder is attached or sold in compliance with any decree or order of a Court or Revenue Officer”.

and

(b) In the twentieth line *between* the expressions “in any such case” and “it shall be lawful” *insert* the following:—

“or if the lessee/lessees shall be adjudicated insolvent or if, in the event of the lessee being a company, an order shall be made for winding up such company or an effective resolution shall be passed for winding up (except when the company is being wound up for the purpose of reconstruction and the local Government has sanctioned under clause 15 of Part VII the assignment or transfer of the original company's interest in the lease to the reconstructed company)”

(Govt. of India, Department of Industries and Labour, endorsement, No. M. 75 dated 21st April 1932.)

#### (Correction memorandum No. 9.)

† [ ] To be used in the case of iron-ore only.

‡ The original clause was amended by G. L. I. & L., letter No. M.—889 dated 24th July 1925: G. R. No. 4524-24, dated 21st August 1925.

into and upon the said premises or any part thereof in the name of the whole and thereupon this present lease and the said term and the liberties powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the Secretary of State in respect of any breach of any of the covenants and agreements contained in these presents or for the recovery of any rent or royalty remaining unpaid.

3. If the <sup>lessee</sup>  
~~lessee~~ shall at any time during the said term commit a breach of any covenant or agreement contained in these presents and on the part of the <sup>lessee</sup>  
~~lessee~~ to be observed or performed it shall be lawful for the Local Government as the consideration for the non-exercise of the power of re-entry contained in the last preceding clause hereof to receive from the <sup>lessee</sup>  
~~lessee~~ such penalty for the breach not exceeding four times the amount of the said certain half-yearly rent as the Local Government may fix.

4. The <sup>lessee</sup>  
~~lessee~~ (having first paid and discharged the rents and royalties payable by virtue of these presents) may at the expiration or sooner determination of the said term or within six calendar months thereafter (unless the lease shall be determined under clause 2 of this part and in that case at any time not less than three calendar months nor more than six calendar months after such determination) take down take up and remove for the benefit of the <sup>lessee</sup>  
~~lessee~~ all or any engines machinery plant buildings structures tramways railways and other works erections and conveniences which may have been erected set up or placed by the <sup>lessee</sup>  
~~lessee~~ in or upon the said lands and which the <sup>lessee</sup>  
~~lessee~~ is not bound to deliver up to the Secretary of State under clause 17 of Part VII of this Schedule and the Secretary of State shall not desire to purchase under the provisions of clause 5 of this part and also all minerals and mineral ore won by the <sup>lessee</sup>  
~~lessee~~ under the authority of these presents and then remaining in or upon the said lands making reasonable compensation for all damage done to the said lands by such removal.

5. If at the expiration or sooner determination of the said term the Secretary of State shall desire to purchase all or any of the engines, machinery, plant, buildings, structures, tramways, railways and other works erections and conveniences which may have been erected set up or placed by the <sup>lessee</sup>  
~~lessee~~ in or upon the said lands and which the <sup>lessee</sup>  
~~lessee~~ is not bound to deliver up under clause 17 of Part VII of this schedule and if such desire shall be signified by a notice in writing given to the <sup>lessee</sup>  
~~lessee~~ by the Collector six calendar months before the expiration or sooner determination of the said term or if this lease shall be determined under clause 2 of this Part at any time within three calendar months after such determination then and in such case the articles



and things specified in such notice shall not be removed by the <sup>lessee</sup> ~~lessee~~ but shall be purchased by the Secretary of State at a price <sup>equivalent</sup> ~~equivalent~~ to the cost of the same at the time of their erection upon the <sup>land</sup> ~~land~~ after deducting from such cost a sum equal to <sup>per cent.</sup> ~~per cent.~~ thereof for every year which shall have elapsed since that time.

6. If at the expiration of six calendar months after the expiration or sooner determination of the said term there shall remain in or upon the said lands any engines machinery, plant, buildings, structures, tramways, railways, and other works, erections and conveniences or mine-

Forfeiture of property left for more than six months after determination of lease.

erals or mineral ores or other property which the <sup>lessee is</sup> ~~lessee~~ entitled to remove from the said lands the same shall if not removed by the <sup>lessee</sup> ~~lessee~~ within one calendar month after notice in writing requiring their removal be given to the <sup>lessee</sup> ~~lessee~~ by the Collector be deemed to become the property of the Secretary of State and may be sold or disposed of for the benefit of the Secretary of State in such manner as he shall deem fit without liability to pay any compensation or to account to the <sup>lessee</sup> ~~lessee~~ in respect thereof.

7. \*The <sup>lessee</sup> ~~lessee~~ may at any time determine this lease by giving not less than twelve calendar months' notice in writing to the Collector and upon the expiration of such notice and provided the <sup>lessee</sup> ~~lessee~~ shall upon such expiration render and pay all rents, royalties, compensation for damage and other moneys which may then be due and payable under these presents to the Secretary of State or any other person or persons and shall deliver up these presents to the Collector then this present lease and the said term and the liberties powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the Secretary of State in respect of any breach of any of the covenants or agreements contained in these presents.

Power to surrender.

8. If at any time during the continuance of this demise the said mines and works shall become destroyed or rendered substantially and permanently unfit for the purposes of this demise by fire, tempest or flood or violence of any army or mob or other irresistible force these presents shall at the option of the <sup>lessee</sup> ~~lessee~~ be void provided that if the injury be occasioned by the wrongful act or default of the <sup>lessee</sup> ~~lessee~~ or the servants of the <sup>lessee</sup> ~~lessee~~ the <sup>lessee</sup> ~~lessee~~ shall not be entitled to the benefit of this provision. And provided also that if this lease

Destruction of mines or works.

\* The surrender must cover the whole of the area held on lease. The re-grant of a lease over a portion of the area surrendered enables the lessee to defeat the object which the Government of India had in view in prescribing this condition. Therefore, when a lessee exercises his option of surrendering a lease, he should not be granted subsequently a new lease over any portion of the land covered by the original lease. (G. I., R. & A., letters Nos. 1914 dated 10th April 1902 and 7893/75, dated 21st October 1909; G. R.'s Nos. 2213, dated 33rd April 1902 and No. 11193, dated 17th November 1909.)

shall become void for or by reason of any of the causes aforesaid it shall be without prejudice to the rights and remedies of the Secretary of State under or by virtue of these presents for the recovery of any rent or royalty which may then remain unpaid or in respect of any breach which may have been committed of any of the covenants herein contained on the part of the <sup>lessee</sup>  
~~lessee~~

9. \*In the event of war or on the occasion of a state of emergency of which the Secretary of State shall be the sole judge and the notice next hereinafter mentioned shall be conclusive evidence the Secretary of State may forthwith after notice in writing to the <sup>lessee</sup>  
~~lessee~~ under the hand of any Secretary to Government of his intention so to do take possession or assume control of the works, plant, machinery and premises of the <sup>lessee</sup>  
~~lessee~~ at or in connection with the said mines and the <sup>lessee</sup>  
~~lessee~~ shall conform and obey all directions given by or on behalf of the Secretary of State regarding the use or employment of such works, plant and premises PROVIDED THAT fair compensation which shall be determined in default of agreement by the Local Government under the provision hereinafter in clause 13 of this Part contained shall be paid to the <sup>lessee</sup>  
~~lessee~~ for all loss or damage sustained by <sup>him</sup>  
~~them~~ by reason or in consequence of the exercise of the powers conferred by this clause and PROVIDED ALSO that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause.

10. \*If any minerals not included in this lease shall during the said term be discovered by the <sup>lessee</sup>  
~~lessee~~ within the said lands and if no mining lease shall then be held by any other person in respect of the same the <sup>lessee</sup>  
~~lessee~~ shall during the twelve calendar months next succeeding the discovery thereof have the option of taking a mining lease in accordance with the rules prescribed by the Governor-General of India in Council for the grant of prospecting licenses and mining leases in respect of such minerals over so much of the said lands as the <sup>lessee</sup>  
~~lessee~~ may desire and during such period of twelve calendar months the <sup>lessee</sup>  
~~lessee~~ shall be entitled to win work and carry away any of the minerals so discovered on payment therefor to the Secretary of State of such royalty not being less than 20 per cent. of the value of such minerals as the Local Government may prescribe or in case of precious stones shall have the right during the said period of twelve calendar months to the first offer of such mining lease in respect of such precious stones as the Governor-General in Council may think fit to grant.

\* The original clause was amended by G. I. I. & L., letter No. M-1150 dated 9th June

11. Every notice by these presents required or authorised to be given to the <sup>lessee</sup><sub>lessees</sub> may be given to such person resident on the said lands as the <sup>lessee</sup><sub>lessees</sub> may appoint for the purpose of receiving such notices or if there shall be no such person then to any person in the employ of the <sup>lessee</sup><sub>lessees</sub> who may be found upon the said lands or if no such person be found the same may be left at the said office of the <sup>lessee</sup><sub>lessees</sub> upon the said lands or affixed in a conspicuous position upon some building or erection in the occupation of the <sup>lessee</sup><sub>lessees</sub> upon the said lands.

11(a). \*All leases of Natural Petroleum heretofore granted by the Secretary of State to the <sup>lessee</sup><sub>lessees</sub> shall be deemed to contain the covenants and provisions contained in clauses 15 and 16 of Part VII of this Schedule and in clause 11 (b) of this Part.

11(b). \*Notwithstanding anything herein contained it shall be lawful for the Secretary of State by notification by the Local Government or by notice in writing under the hand of a Secretary to the Local Government from time to time to impose upon the lessee vary and rescind such restrictions and conditions as to the Secretary of State shall appear necessary or desirable for the purpose of securing the refinement in British Indian territory of all Natural Petroleum which may be won from the said lands.

12. In these presents the expression "The Collector" shall mean the Revenue Officer in charge of the district within which the said lands are situate and the expression "the Local Government" shall mean the Local Government or Chief Commissioner as the case may be within whose administrative jurisdiction the said lands are situate or any delegate of such Local Government or Chief Commissioner.

13. If and whenever any question or dispute shall arise in regard to the construction meaning, or effect of these presents or any clause or thing herein contained or in regard to the manner or sufficiency of the observance or performance by the <sup>lessee</sup><sub>lessees</sub> of any covenant or agreement herein contained or in regard to the mode of working of the said minerals or the maintenance or condition of any works in or upon the said lands or in regard to any valuation

(3)

In the foot-note on page 242 for the words "Natural Petroleum" substitute the words "natural petroleum (including natural gas)."

(Government of India, Department of Industries and Labour, letter No. M.-75, dated 1st December 1926; Government Resolution No. 4521/24, dated 22nd December 1926.)

(Correction Memo No. 11)

by the <sup>lessee</sup><sub>lessees</sub> or in regard to any other matter or thing relating to or arising out of these presents such question or dispute shall be determined by the Local Government whose decision thereon shall be final and binding on the parties hereto.

*Signed* by—

[name and designation].

for and on behalf of the  
acting in the premises for and on behalf of the Secretary of State  
for India in Council in the presence of

( ) Signed by the above named  
(by <sup>his</sup><sub>their</sub> attorney  
in the presence of )

(\*) Signed in the name and on behalf  
of the above named  
by  
director of the said Company in the  
presence of

(3) Signed in the name and on behalf  
of the above named  
by their authorised agent  
in the presence of

(4) Signed by the above named  
(by their <sup>attorney</sup><sub>agent</sub>  
in the presence of )

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## FORM OF AGREEMENT FOR USE IN CONNECTION WITH THE TRANSFER OF A LEASE.

AN AGREEMENT dated \_\_\_\_\_ and made BETWEEN  
THE SECRETARY OF STATE FOR INDIA IN COUNCIL  
(hereinafter called the Secretary of State which expression shall be  
deemed to include his successors in office and assigns) of the one  
part and [hereinafter called the Transferee(s) which expression  
shall where the context so admits or implies be deemed to include

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(1) This clause is to be used where the lease is granted to one or more individuals (the name of the constituted attorney being filled in if the lessee or lessees do not sign personally).

(2) This clause is to be used where the lease is granted to a registered company and if the signature is by an agent or attorney the appropriate designation should be inserted in place of the word "director."

(3) This clause is to be used where the lease is granted to an unincorporated syndicate.

(4) This clause is to be used where the lease is granted to a private firm (the name of the attorney or agent being filled in if the signature is not by a partner in the firm).

<sup>his</sup><sub>their</sub> (respective) heirs executors administrators and assigns] of the other part WHEREAS by virtue of an Indenture of Lease (hereinafter called the Lease dated

and made between the Secretary of State and (A)

(B) [and now vested by transfer in ]

(hereinafter called the Lessee(s)) the Lessee(s) <sup>is</sup><sub>are</sub> entitled to search for and work the mines and minerals therein mentioned for the term and subject to the payment of the rent and royalties and the observance and performance of the Lessees' covenants and conditions in the Lease reserved and contained including a covenant not to assign the Lease or any interest thereunder without the previous sanction of the Local Government AND WHEREAS the lessee(s) <sup>is</sup><sub>are</sub> desirous of transferring and assigning the Lease to the Transferee(s) and the Local Government have at the request of the Lessee(s) granted sanction to such transfer and assignment upon condition of the Transferee(s) entering into an agreement in and containing the terms and conditions hereinafter set forth.

NOW IT IS HEREBY AGREED AND DECLARED by the Transferee(s) with and to the Secretary of State that from and after the transfer and assignment of the Lease by the Lessee(s) to the Transferee(s) the Transferee(s) shall be bound by and liable to perform and observe and conform and be subject respectively to all the provisions and conditions of all the covenants and stipulations on the part of the Lessee(s) and conditions in the Lease contained in the same manner in all respects as if the Lease had been granted to the Transferee(s) as the Lessee(s) thereunder and <sup>he</sup><sub>they</sub> had originally executed it as such and the Transferee(s) hereby undertake(s) and agree(s) with the Secretary of State to perform and observe the same covenants stipulations and conditions in all respects accordingly.

AS WITNESS the hands of the parties.

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(A) Name of original Lessee.

(B) If there has been no previous transfer strike out the words in brackets here. If there has been a previous transfer fill in the name of the holder in the blank within the brackets.

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## PART V

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REGULATIONS AND RULES UNDER SECTIONS 29 AND 30  
RESPECTIVELY OF THE INDIAN MINES ACT, 1923

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*Rules framed by the Government of India under Section 29 of the Indian Mines Act, 1923.*

## REVENUE DEPARTMENT.

Bombay Castle, 22nd September 1926.

No. S. 18/6.—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. M.-1055 (1), dated Simla, the 7th September 1926.

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV

(1) Government of India, Department of Revenue and Agriculture Notification No. 504-C-20,\* dated the 12th March 1904.

(2) Government of India, Department of Commerce and Industry Notification No. 2968-82,† dated the 21st April 1906.

(3) Government of India, Department of Commerce and Industry Notification No. 11793-103,‡ dated the 30th December 1908.

(4) Government of India, Department of Industries and Labour Notification No. M.-498,§ dated the 14th April 1924.

following regulations, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

of 1923), and in super-session of the rules published with the marginally noted notifications and of all notifications amending those rules, the Governor General in Council is pleased to make the

### REGULATIONS FOR COAL MINES.

1. (I) These regulations may be called the Indian Coal Mines Regulations, 1926.

(2) They shall apply only in respect of coal mines.

2. In these regulations, unless there is anything repugnant in the subject or context—

(a) “the Act” means the Indian Mines Act, 1923 ;

(b) “the District Magistrate,” in relation to any mine, means the District Magistrate of the district in which the mine is situated :

Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purposes of these regulations shall be the District Magistrate authorised in this behalf by the local Government ;

(c) “Form” means a Form as set out in the Schedule ;

(d) “Schedule” means the Schedule to these regulations.

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\* Published at pages 199-203 of Part I of the *Gazette of India* dated 12th March 1904.

† Published at pages 238-242 of Part I of the *Gazette of India* dated 21st April 1906.

‡ Republished at pages 56-60 of Part I of the *Bombay Government Gazette* dated 14th January 1909.

§ Republished at pages 1007-1008 of Part I of the *Bombay Government Gazette* dated 8th May 1924.

## CHAPTER I.

## NOTICES AND RECORDS.

3. (1) On or before the tenth day of every month, the owner, agent or manager of every mine shall send to the Chief Inspector a correct return in Form I of all raisings and despatches during the preceding calendar month.

(2) On or before the twenty-first day of January in each year the owner, agent or manager of every mine shall forward to the District Magistrate and to the Chief Inspector, annual returns in respect of the preceding year in Forms II, III, IV, V, VI, VII and VIII.

(3) If any mine is abandoned or the working of any mine has been discontinued over a period exceeding three months or if a change occurs in the ownership of any mine, the returns required by sub-regulation (2) shall be submitted within one month from the date of abandonment or change of ownership or within four months from the date of discontinuance :

Provided that the Chief Inspector may by order in writing extend the period for the submission of such returns up to any date not later than the twenty-first day of January in the year following that to which they relate :

Provided further that nothing in this sub-regulation shall be deemed to authorise the submission of any return later than the twenty-first day of January in the year following that to which it relates.

4. The notice required by section 14 of the Act shall be furnished in duplicate, and shall specify the name and situation of the mine, the names and addresses of the owner and the manager, and, in the case of a new mine, the date on which it was opened. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

5. When a mine or seam has been abandoned, or the working thereof has been discontinued over a period exceeding two months, the owner of the mine shall, within one month after the abandonment or within seven days after the expiry of the said period, as the case may be, send to the Chief Inspector notice in writing specifying the name and situation of the mine, the name and address of the owner, and the date and cause of the abandonment or discontinuance.

6. When a mine or seam is re-opened after abandonment or discontinuance, the owner, agent or manager shall, within one month after the date of the re-opening, send to the District Magistrate notice in writing in duplicate specifying the name and situation of the mine, the names and addresses of the owner and the manager, and the date of the re-opening. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.



7. When a change occurs in the name of, or in the ownership of, a mine, notice in writing of the change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the change.

8. When any new appointment is made of an agent or manager of a mine, or any change of address of any agent or manager occurs, notice of the appointment or change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the appointment or change.

9. When the ownership of a mine is transferred, the previous owner or his agent or manager shall make over to the new owner all plans, books and other records required to be kept under the Act, and all correspondence relevant to the working of the mine with the Department of Mines and other Government departments.

10. If the owner, agent or manager of any mine intends to conduct or extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work in respect of which this regulation is applicable by reason of any general or special order of the Local Government under clause (u) of section 29 of the Act, he shall, not less than sixty days before commencing such operations, give notice of his intention to the Chief Inspector and also, in the case of a railway, to the Railway Administration concerned, or, in the case of any such public work as aforesaid, to such authority as the Local Government may by general or special order direct.

11. If the operations in respect of which notice is given under regulation 10 are not commenced within twelve months from the expiry of the period of sixty days therein referred to, the notice shall be held to have lapsed and the provisions of that regulation shall apply as if no such notice had been given.

12. The notice to be given under regulation 10 shall specify the position of the workings of the mine in relation to the railway or public work in question, the manner in which it is proposed to carry out the intended new operations, and the limits to which it is proposed to carry the said operations, and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway or public work in question.

13. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall forthwith inform the Inspector by telephone or telegraph, and shall also, within twenty-four hours of the occurrence of such accident, explosion, ignition, outbreak or irruption, send notice thereof in Form IX to the District Magistrate, or to the Sub-Divisional Magistrate, who shall forward it to the Chief Inspector.

14. If death results from any injury already reported as serious under regulation 13, the owner, agent or manager of the mine shall.

within twenty-four hours of his being informed of the death, send notice thereof to the District Magistrate or to the Sub-Divisional Magistrate, who shall forward it to the Chief Inspector.

## CHAPTER II.

### PLANS.

15. (1) All plans prepared in accordance with the provisions of this Chapter shall—

- (a) bear the name of the mine and of the owner ;
- (b) show the scale together with the magnetic meridian and the date of the latter ;
- (c) be properly inked on durable paper, or on tracing cloth ; and
- (d) be on a scale of 100 feet to the inch :

Provided that where plans have been prepared on any other scale before the passing of these regulations, it shall not be necessary to re-draw the plans unless the Chief Inspector by order in writing expressly so directs.

(2) The owner, agent or manager of every mine shall keep a plan of the workings of the mine. The position of the workings at the time of the last survey shall be shown by a dotted line drawn through the ends of the workings ; such dotted line shall be marked with the date of the last survey. The plan shall also show all shaft and incline openings, all groves, the boundaries of the underground leasehold, where possible, and all important features within the boundaries, such as railways, roads, rivers, streams and reservoirs which overlie any part of the workings or any point within 600 feet of any part of the workings measured on the horizontal plane ; also the general direction and rate of dip of the strata, the depth of every shaft, a section of the seam being worked and the position of all faults and dykes with the amount and direction of their throw. There shall be a separate plan of the workings of each seam, and of each separate section of each seam.

(3) The owner, agent or manager of every mine shall also keep a separate tracing of a surface plan showing all surface features referred to in sub-regulation (2), and in addition all buildings and erections on the surface and within the boundaries which over-lie the workings of the mine or any point within 600 feet of the workings measured on the horizontal plane.

(4) The plans required by this regulation shall be maintained up-to-date within six months ; and shall be kept in the office at the mine.

(5) Nothing in this regulation shall be deemed to apply to any mine in which the workings do not extend under the super-jacent ground, or to any mine in which excavation is being made for prospecting purposes only :

Provided that the Chief Inspector may direct that the regulation shall apply to any such mine to such extent as he may think fit.

16. The owner, agent or manager of every mine shall at any time on the request of the Chief Inspector or of any Inspector produce to him at the office at the mine such plans and sections, and also, on the like request, mark on such plans and sections the then state of the workings of the mine; and the Chief Inspector or Inspector shall be entitled to examine the plans and the sections, and for official purposes to make or have a copy made of any part thereof respectively.

17. Where any mine or seam is abandoned, or the working thereof has been discontinued over a period exceeding one year, the person who was the owner of the mine at the time of the abandonment or discontinuance shall, within three months after the abandonment or within fifteen months after the discontinuance of working, as the case may be, send to the Chief Inspector accurate plans and sections of the workings of the mine or seam up to the time of the abandonment or discontinuance, showing the pillars of coal remaining unworked and all other features required in compliance with these regulations, or a true and accurate copy of the same:

Provided that if a change of ownership occurs after the abandonment or discontinuance and before the expiry of the three months or the fifteen months aforesaid, as the case may be, such plans and sections shall be sent forthwith.

18. After the expiry of ten years from the date of abandonment or discontinuance of working in any mine or seam or, where the consent of the owner of the mine for the time being has been obtained, prior to the expiry of the said period, the Chief Inspector may, on such conditions as he thinks fit to impose, permit any person having an interest in the said mine or seam to inspect the plan or section of such mine or seam sent to him in accordance with the provisions of regulation 17; and he may further, on such conditions as he thinks fit to impose, supply to any such person copies of the like plan or section.

#### No. 24.

In regulation 19 on page 248 *after* the words "such date" *insert* the words "and in such areas".

(Government of India, Department of Industries and Labour  
Notification No. M-1055(1) dated 13th May 1929.)

(Correction Memorandum No. 3.)

#### MINE OFFICIALS.

20. For the purposes of this chapter every system of underground workings interconnected in such a manner that communication is practicable from any one part of the system to any other part by means of underground channels shall be deemed to constitute one mine. If access from one system of underground workings to another such system is not so practicable, each such system shall be deemed to constitute a separate mine.

21. A duly qualified manager may be permitted by order in writing of the Chief Inspector to manage more than one mine, if the Chief Inspector is of opinion that the mines supervised by him are sufficiently near to one another to permit of effective supervision being exercised, and that an adequate subordinate supervising staff is maintained at each mine. The Chief Inspector may at any time, by order in writing, revoke any such permission and such order shall be final.

22. Save as provided by regulation 21 no person shall act as manager of more than one mine.

23. Save as hereinafter provided in regulation 24—

- (a) no person shall act as manager of a mine, the average monthly output of which exceeds 2,500 tons, unless he holds a first class manager's certificate granted under these regulations :
- (b) no person shall act as manager of a mine, the average monthly output of which exceeds 600 tons, unless he holds a first or second class manager's certificate granted under these regulations ; and
- (c) no person shall act as the manager of a mine, the average monthly output of which does not exceed 600 tons, unless he holds a first or second class manager's certificate or a manager's permit granted under these regulations :

Provided that the Chief Inspector may, by order in writing, direct that in the case of any such mine as is referred to in clause (b) the manager thereof shall be the holder of a first class manager's certificate granted under these regulations, and that in the case of any such mine as is referred to in clause (c) the manager thereof shall be the holder of a first or second class manager's certificate granted under these regulations :

Provided further that an appeal from any order passed by the Chief Inspector under the foregoing proviso shall lie to the Mining Board constituted under section 10 of the Act or, if no Mining Board has been so constituted for the Province in which the appellant is employed, to the Local Government and the order of the Mining Board or of the Local Government thereon shall be final.

24. (1) The Chief Inspector may, by order in writing, authorise any person, whom he may consider competent, to act as manager of any mine or mines for a specified period, notwithstanding that such person does not possess the qualifications prescribed in that behalf by regulation 23 ; and may by a like order revoke any such authority at any time and such order shall be final.

(2) In every mine personal supervision shall be exercised by the manager.

(3) Where by reason of absence or for any other reason the manager is unable to exercise personal supervision the owner, agent or manager shall authorise in writing a person whom he considers competent to act as manager of the mine :

Provided that :—

- (a) such person holds a manager's certificate or a sirdar's certificate ;
- (b) no such authorisation shall have effect for a period in excess of one month except with the previous consent of the Chief Inspector ; nor without the like consent shall a second authorisation be made to take effect upon the expiry of the first ;
- (c) the owner, agent or manager, as the case may be, shall send to the Chief Inspector with the least possible delay, a written notice intimating that such an authorisation has been made, and stating the reason for the authorisation, the qualifications and experience of the person authorised and the dates of the commencement and ending of the authorisation ; and
- (d) the Chief Inspector may by order in writing revoke any authority so granted, and such order shall be final.

25. The manager of every mine shall appoint in writing such number of competent persons as will be sufficient to secure a thorough supervision of all the operations in the mine and the enforcement of the requirements of the Act and of the regulations, rules and bye-laws made thereunder. He shall assign to every such person his particular duties, shall on his appointment make over to him a copy of the regulations, rules and bye-laws which affect him and shall take all possible steps to ensure that every such person understands, carries out and enforces the provisions therein contained. Copies of all appointments made by the manager shall be kept in the office at the mine.

26. Every person employed under ground in a mine as an official subordinate to the manager and superior to the underground sirdar shall hold either a manager's certificate or sirdar's certificate granted under these regulations :

#### , No. 25.

*Omit the proviso to regulation 26 on page 250.*

(Government of India, Department of Industries and Labour,  
Notification No. M-1055(1) dated 13th May 1929.)

#### No. 26.

*In regulation 27 on page 250 after the words "such date" insert the words "and in such areas".*

(Government of India, Department of Industries and Labour,  
Notification No. M-1055(1) dated 13th May 1929.)

(Correction Memorandum No. 3.)

## CHAPTER IV.

## CERTIFICATES OF COMPETENCY, PERMITS AND AUTHORISATIONS.

29. (1) There shall be constituted a Board of Examiners for the purposes of these regulations, which shall consist of the Chief Inspector, who shall be the Chairman of the Board, and of three Members possessing technical qualifications fitting them to serve on the Board, who shall be appointed by the Governor General in Council for a term of three years :

Provided that on the expiry of any term for which he has been appointed, any Member shall be eligible for re-appointment.

(2) A Member of the Board of Examiners (other than the Chairman) shall receive such remuneration as the Governor General in Council may fix.

30. (1) Certificates under these regulations shall be granted by the Board of Examiners, and all decisions of the Board regarding the grant of such certificates shall be final.

(2) Certificates granted by the Board shall be valid throughout British India, and shall be of the following kinds :—

- (a) first and second class certificates of competency to manage a mine (in these regulations referred to as managers' certificates) ;
- (b) certificates of competency to survey the workings of a mine (in these regulations referred to as surveyors' certificates) ;
- (c) certificates of competency to make the inspection hereinafter required by regulation 70 (in these regulations referred to as sirdars' certificates).

31. (1) Certificates shall be granted to candidates after such examination and in such form as the Board of Examiners may prescribe.

(2) The examinations shall be held at such times and at such centres as may be fixed by the Board, and shall be conducted by local examiners who shall be appointed by the Board.

(3) The local examiners so appointed shall be subject to the orders of the Board in respect of all matters relative to the conduct of the examinations, and shall receive such remuneration as the Board, with the sanction of the Governor General in Council, may fix.

(4) The Board may make rules as to the conduct of the examinations ; and shall, so far as may be practicable, provide that the standard of knowledge requisite for the grant of certificates of any particular class

**No. 27.**

In sub-regulation (5) of regulation 31 on page 251 omit the words and figures "except as regards examinations held before the 1st day of March, 1927".

(Government of India, Department of Industries and Labour,  
Notification No. M-1055(1) dated 13th May 1929.)

(Correction Memorandum No. 3.)

orders of the Board of Examiners in such publications and at such intervals as the Board may direct, during a period of not less than three months prior to the date fixed by the Board for receiving applications.

33. No person shall be admitted as a candidate at any examination for a manager's certificate unless he has gained a First Aid Certificate of the St. John Ambulance Association or other Society or Body approved by the Government of India :

Provided that if any candidate satisfies the Board of Examiners that he has not had sufficient opportunity to obtain such a certificate, the Board may admit him to the examination on such conditions, if any, as it thinks fit to impose.

34. No person shall be admitted as a candidate at any examination for a first class manager's certificate unless he has attained the age of 23 years, and has satisfied the Board of Examiners that he has had practical experience in a coal mine for a period of not less than five years :

Provided that this period shall be reduced to three years in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Governor General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor General in Council.

35. No person shall be admitted as a candidate at any examination for a second class manager's certificate unless he has attained the age of 21 years, and has satisfied the Board of Examiners that he has had practical experience in a coal mine for a period of not less than three years :

Provided that this period shall be reduced to two years in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Governor General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor General in Council.

36. The periods of practical experience in a coal mine prescribed in regulations 34 and 35 may, subject to such conditions as the Board of Examiners thinks fit, be reduced at the discretion of the Board in the case of a candidate part of whose experience has been obtained in mines other than coal mines.

37. The nature of the practical experience required of a candidate under regulations 34 and 35 shall be experience gained in one or other of the following capacities in a coal mine, namely :—

- (a) as an underground workman having direct practical experience in the work of getting coal, and of stone work, timbering and repairing ;
- (b) as a sirdar, deputy, overman, foreman, assistant or undermanager, or other underground official ;

(c) as a mining apprentice, mine surveyor or colliery engineer, whose practical experience has included—

- (1) actual practical work (other than the work of mine surveying or colliery engineering) of not less than two years in the case of candidates for first class certificates, and of not less than one year in the case of candidates for second class certificates, in any part of the underground workings of a coal mine, or
- (2) direct supervision of such work during a like period.

38. No person shall be admitted as a candidate at any examination for a surveyor's certificate unless he has attained the age of 21 years and has satisfied the Board of Examiners that he has had two years' practical experience of surveying, of which at least six months shall have been practical experience of surveying the underground workings of a mine.

*Explanation.*—For the purposes of this regulation approved attendance at classes in theoretical and practical surveying at a technical institution approved in this behalf by the Board of Examiners shall be considered to be practical experience of surveying other than practical experience of surveying the underground workings of a mine.

39. No person shall be admitted as a candidate at any examination for a sirdar's certificate unless he has attained the age of 21 years, and has satisfied the Board of Examiners that he has had practical experience in a coal mine for a period of not less than three years:

Provided that this period shall be reduced to one year in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Governor General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor General in Council.

40. Examinations for sirdars' certificates shall be conducted orally in English or in the vernacular language of the district in which the examination is held and shall be designed to test the candidate's knowledge of the following subjects, namely:—

- (a) timbering,
- (b) methods of examination of the roof and sides of working places and travelling roads,
- (c) shot-firing,
- (d) mine gases and ventilation,
- (e) the provisions of the regulations, rules and bye-laws under the Act relating to the safety of persons employed in mines,
- (f) in the case of candidates for the endorsement referred to in the proviso to sub-regulation (1) of regulation 71, the methods of testing for and detecting the presence of inflammable gas.

41. Applications for admission to an examination for first or second class managers' or surveyors' certificates shall be made to the Chief Inspector not less than one month prior to the date fixed for the



examination. Every such application shall be submitted on a form which shall be supplied free of charge.

### No. 28.

Delete sub-regulation (1) of regulation 42 on page 254, renumber sub-regulation (2) as (1) and for the sub-regulation so renumbered substitute the following :—

“42. (1) Applications for admission to an examination shall be chargeable with fees which shall be paid in the manner prescribed in regulation 153 according to the following scale, namely :—

	Rs.
(a) in the case of an examination for a first class manager's certificate .. .. .	25
(b) in the case of an examination for a second class manager's certificate .. .. .	15
(c) in the case of an examination for a surveyor's certificate .. .. .	15
(d) in the case of an examination for a sirdar's certificate .. .. .	5”

### No. 29.

Delete sub-regulation (2) of regulation 43 on page 254 and renumber sub-regulation (3) as sub-regulation (2) and in the sub-regulation so renumbered for the words beginning with “The fee shall be paid” and ending with the words “the fee has been paid” substitute the words and figures “The fees shall be paid in the manner prescribed in regulation 153”.

(Government of India, Department of Industries and Labour, Notification No. M-1055(1) dated 13th May 1929).

(Correction Memorandum No. 3.)

good character, and having no criminal record, and these regulations :

(2) The Board of Examiners may grant without examination a surveyor's certificate to any person who satisfies the Board that he has had not less than five years' experience of surveying in mines and that he possesses the requisite knowledge and is of good character : Provided that application for such certificate is made before the first day of October 1927.

(3) The following fees shall be chargeable in respect of applications for certificates to be issued under this regulation :—

	Rs.
(a) in the case of a manager's or surveyor's certificate ..	5
(b) in the case of a sirdar's certificate .. .. .	2

[ The fee shall be paid to the Chief Inspector and the application for the grant of a certificate shall not be considered by the Board until the Chief Inspector has certified that the fee has been paid. ]

41. If any person proves to the satisfaction of the Board of Examiners that he has without any fault on his part lost or been deprived of a certificate granted to him under these regulations, the Board may, upon

“ No. 39

as the corresponding certificate remains in force, retain such check in his immediate possession, and shall not transfer it or dispose of it in any way. In the event of the corresponding certificate being cancelled, the check shall be returned to the Chief Inspector.

(2) No person employed in a mine other than the holder of the corresponding certificate for the time being in force shall be in possession of a metal check issued under regulation 45.

(3) If any person proves to the satisfaction of the Chief Inspector that he has without any fault on his part lost or been deprived of the metal check issued to him under regulation 45, the Chief Inspector may, upon such terms and conditions as he may determine, cause a second metal check bearing the registered number of his certificate to be delivered to him. The letter “ D ” shall be stamped on the reverse of every such check and a fee of four annas shall be payable in advance to the Chief Inspector in respect thereof.

47. (1) The holder of a sirdar's certificate shall deliver such certificate to the owner, agent, or manager of any mine in which he is for the time being employed, and such owner, agent, or manager shall in exchange for the certificate deliver a receipt for the same to the holder, and shall retain the certificate so long as the holder thereof is employed in such mine, and shall return it to the holder on his ceasing to be so employed.

(2) The owner, agent, or manager of any mine shall, on the demand of an Inspector, produce any sirdar's certificate held by a person employed in the mine.

48. If at any time a representation is made by the Chief Inspector to the Local Government that the holder of a manager's certificate or of a surveyor's certificate has been guilty of misconduct or incompetency in the discharge of his duties, or has been convicted of any offence made punishable by the Act with fine which may extend to Rs. 500 or more, or with imprisonment which may extend to three months or more, the Local Government may cause an inquiry to be made into the matter ; and with respect to such inquiry the following provisions shall have effect, namely :—

(a) The inquiry shall be public, and shall be held at such place as the Local Government may appoint, and by such person or uneven

number of persons as it may direct (hereinafter in this regulation referred to as the Court), either alone or with the assistance of any assessor or assessors appointed by the Local Government. Such assessors shall be practical mining engineers or persons with a knowledge of the practical working of mines. The functions of the assessors shall be purely advisory and they shall not be regarded as members of the Court.

- (b) The Local Government shall, before the commencement of the inquiry, furnish the person whose conduct is under inquiry with a copy of the representation on which the inquiry is instituted.
- (c) The Local Government may appoint any person to undertake the management of the case.
- (d) The person whose conduct is under inquiry may attend the inquiry, and may either conduct his case personally or be represented by any other person approved by the Court.
- (e) If a majority of the persons constituting the Court thinks fit, the person whose conduct is under inquiry may be required to deliver up his certificate at any time before or during the inquiry, and such person shall be bound to comply with such requisition unless he shows sufficient cause to the contrary.
- (f) The Court shall, on the conclusion of the inquiry, send to the Local Government a report containing a full statement of the case together with its opinion thereon and such account of or extracts from the evidence as it may think fit, and if it considers that the certificate in question should be cancelled or suspended it shall add a recommendation to that effect. In the event of disagreement between the members composing any Court, the dissentient or dissentients from the opinion of the majority may forward a separate report to the Local Government with a statement of their recommendations.
- (g) After considering the report or reports and the recommendations (if any) submitted under clause (f), the Local Government may cancel or suspend the certificate, and, if it does so, the fact of such cancellation or suspension shall, if the certificate is produced, be endorsed upon it, and, if it is not produced or if at any time a duplicate has been granted under regulation 44, be notified in the *Gazette of India* and in the local official gazette.

49. If, in the opinion of an Inspector, a person to whom a sirdar's certificate has been granted is guilty of misconduct or incompetence in the discharge of his duties, the Inspector may suspend the certificate. Every such suspension shall be reported forthwith to the Board of Examiners and the Board shall thereupon, after such inquiry as it thinks fit, either remove or extend the suspension or cancel the certificate, and the decision of the Board shall be final.

50. (1) A permit (in these regulations referred to as a manager's permit) may be granted by the Chief Inspector at his discretion to any

"(3) A fee of five rupees shall be payable in the manner prescribed in regulation 153 in respect of an application for the grant of a manager's permit."

and

*Delete* the words and figures "on or after the first day of January 1927" occurring in sub-regulation (6) on page 257.

(Government of India, Department of Industries and Labour,  
Notification No. M-1055(1) dated 13th May 1929.)

1927, to any person who is not the holder of a sirdar's certificate.

51. A register showing the names and addresses of all holders of certificates or permits granted under these regulations and all cancellations of such certificates or permits shall be maintained in the office of the Chief Inspector.

52. Any certificate, permit or authorisation specified in the first column of the table below which has been issued under the Indian Mines Act, 1901, or under any rule made thereunder and is valid at the commencement of these regulations, shall for the purposes of the Act and these regulations, be deemed respectively to be the equivalent of the certificate, permit or authorisation specified in the corresponding entry in the second column of the table and to have been issued under these regulations.

Manager's certificate of competency, First class.	} Manager's certificate, First class.
Manager's service certificate of competency, First class.	
Manager's certificate of competency, Second class.	} Manager's certificate, Second class.
Manager's service certificate of competency, Second class.	
Sirdar's certificate of competency .. .. .	Sirdar's certificate.
Permit to manage a mine .. .. .	Manager's permit.
Authorisation to act as Manager of a mine ..	Authorisation to act as Manager of a mine.

## CHAPTER V.

### SHAFTS AND OUTLETS.

53. (1) The owner, agent or manager of a mine shall neither employ any person in the mine, nor permit any person to be in the mine for the

purpose of employment therein, unless there are at least two shafts or outlets with which every seam for the time being at work has a communication, so that such shafts or outlets afford separate means of ingress and egress available to the persons employed in the seam.

(2) Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts or outlets. If apparatus is necessary, it shall be kept on the works belonging to the mine, and shall be constantly available for use.

(3) Such shafts or outlets shall be not less than 45 feet distant from one another at any point, and each shall be connected with the other by means of a communication not less than 4 feet high and 4 feet wide.

(4) Whenever communication between the two outlets which are required to be maintained under sub-regulation (1) has been blocked, or fenced off under regulation 140 (1), only such persons as are necessary to clear the obstruction, or to repair the dangerous part of the communication or to make a new second outlet, shall be employed in the mine until such time as communication has been re-established or a new second outlet has been provided.

(5) The foregoing provisions of this regulation with respect to shafts and outlets shall not apply—

- (i) while a shaft is being sunk or an outlet is being made,
- (ii) to any working for the purpose of making communication between two or more shafts or outlets,
- (iii) to any working for the sole purpose of searching for or proving minerals,

so long as not more than 40 persons are employed under ground at any one time in the whole of the different seams in connection with a single shaft or outlet :

Provided that nothing in this sub-regulation shall be deemed to authorise the driving of ordinary galleries for development before a second outlet has been made in accordance with the said provisions.

(v) The Chief Inspector may exempt from the operation of this regulation, subject to such conditions as he may impose, any mine in the case of which special difficulties exist which in his opinion make compliance with the provisions of this regulation not reasonably practicable.

(.) So much of this regulation as requires two shafts or outlets to be separated by a distance of not less than 45 feet shall not apply to any shafts the sinking of which was commenced before the 10th day of March, 1904.

54. Where the natural strata are not safe, every working or pumping shaft and every shaft in course of being sunk, shall be securely cased, lined or otherwise made secure.

55. Every part of a mine shall, where practicable, be provided with at least two ways affording means of egress to the surface.

56. Where it is necessary for persons to pass from one side of a winding shaft to the other, proper provision shall be made enabling them to do so without crossing the shaft.

57. A competent person or persons, of not less than 21 years of age, appointed by the manager for the purpose shall, once at least in every week, examine the state of the shafts by which persons ascend or descend, and shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

## CHAPTER VI.

### RAISING AND LOWERING PERSONS OR MATERIALS.

58. At every shaft or incline where persons or materials are lowered or raised by means of machinery, the following provisions shall have effect, namely :—

- (a) A single linked chain shall not be used for lowering or raising persons, except for the short coupling chain attached to a cage, skip, bucket or tub.
- (b) Where the apparatus ordinarily used for raising and lowering persons to or from the surface is worked by mechanical power, it shall, if the shaft is vertical and exceeds 150 feet in depth, be provided with a detaching hook. The space between the detaching hook and the detaching plate when the cage is at

No. 32.

In clause (b) of Section 58 on page 259 *delete* the words and figures "The provisions of this clause shall not come into force until the 1st day of October 1927".

(Government of India, Department of Industries and Labour,  
Notification No. M-1055(1) dated 13th May 1929.)

(Correction Memorandum No. 3.)

skip, bucket or tub, when loaded, at any point in the shaft, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage, skip, bucket or tub in the shaft; and, if the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft:

Provided that in the case of a shaft not exceeding 100 feet in depth so much of this clause as requires an indicator shall not apply.

- (d) Every apparatus on or in which persons ride in a working shaft, shall be provided with a sufficient cover overhead, except—
  - (i) in a shaft not exceeding 150 feet in depth where buckets or other appliances are used for winding, or
  - (ii) in a shaft in course of sinking, or
  - (iii) where persons are employed at work in a shaft.
- (e) Every working shaft used for the purpose of drawing mineral or for lowering or raising persons shall, if exceeding 150 feet in depth, be provided with proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft, to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft. There shall also be proper means of transmitting distinct and definite signals from the top of every winding shaft to the winding engine. All signals shall be transmitted by mechanical or electrical means.
- (f) (i) The first three or principal signals shall be—
 

One rap	.. RAISE when engine at rest.
One rap	.. STOP when engine in motion.
Two raps	.. LOWER.
Three raps	.. MEN ready to ascend or descend.
Three raps	.. IN REPLY. Men may enter the cage or other conveyance.

  - (ii) Any other signals shall be in addition to, and shall not interfere with, the foregoing.
  - (iii) A printed copy of the code of shaft signals shall be posted at the shaft top, and at every inset, and also at the winding engine.
  - (iv) No person other than the banksman or onsetter shall give any signal unless he is an official of the mine or is authorised in writing by the manager to give signals.
- (g) Every working shaft (except a shaft in course of sinking) used for lowering or raising persons shall, if it exceeds 150 feet in depth, be provided with guides.
- (h) At the bottom of every working shaft in which a cage is used, protective roofing shall be provided sufficient to prevent danger from anything falling in the shaft.
- (i) Adequate stationary lights shall be provided and used during working hours—
  - (1) at all places where persons have to work under ground in the immediate vicinity of shafts, and
  - (2) after dark at the tops of all working shafts and at all winding engines used for raising and lowering persons.

- (j) There shall be on the drum of every machine used for lowering or raising persons such flanges, horns or other appliances as may be sufficient to prevent the rope from slipping. The rope shall be securely fastened round an arm or the shaft of the drum, and there shall be at least two turns of the rope on the drum when the cage, skip, bucket or tub is at the bottom of the shaft. After any stoppage of winding for more than two hours, the cage, skip, bucket or tub shall, before any person is allowed to ride therein, be run a complete trip up and down the working portion of the shaft at least once, to ensure that the machinery is in good working order.
- (k) Every cage shall be provided with catches or some other suitable contrivance to prevent tubs from falling out, and shall, if used for lowering or raising persons, be covered in completely at the top and closed in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be easily reached by all persons in the cage.
- (l) A competent person or persons, of not less than 21 years of age, appointed by the manager for the purpose shall, once at least in every 24 hours, examine the state of the external parts of the machinery and of the lead-gears, ropes, chains, cages, guides, and conductors in the shafts and other similar appliances of the mine which are in actual use, both under ground and above ground, and shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

59. No person shall get on or off a cage, skip, tub or bucket used for lowering or raising persons after the same has been set in motion, or leave it until it has reached the appointed stopping place; nor shall any person ride on the top or edge of any cage, skip, tub or bucket except when engaged upon special work in the shaft.

60. No person, when ascending or descending a shaft, shall take with him any tools or other bulky materials, save when engaged in repairing the shaft or when otherwise specially authorised by the manager :

Provided that, in the case of tools only, the manager may, by general order, permit the same to be carried.

61. No person shall ride in a shaft on, or against, a loaded cage, skip, tub or bucket.

62. Every person, when at or about the top or the bottom of a shaft, shall obey the orders and directions of the shaft attendants on duty at the time.



63. Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage, tub, skip or bucket at one time, and a notice specifying the authorised number shall be posted at the top of every shaft and at every inset in a shaft.

64. No person under 18 years of age and no woman shall descend or ascend a shaft in a cage, tub, skip or bucket unless accompanied by at least one person over 18 years of age.

65. When the winding apparatus is not provided with some automatic contrivance to prevent overwinding, a point shall be fixed and marked on the indicator in such a way as to show when the cage or other conveyance is within a distance of twice the circumference of the drum from the completion of the wind; and when such cage or conveyance has reached such distance it shall not, if either it or the descending cage contains persons, be raised for the remaining distance at a speed exceeding three miles per hour.

66. (1) All cage chains in general use shall be annealed, and all detaching hooks shall be cleaned and refitted, and all winding ropes shall be re-capped, once at least in every six months, or, if necessary, at shorter intervals.

(2) The date of each such operation shall be recorded in a book kept at the mine for the purpose.

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## CHAPTER VII.

### ROADS AND WORKING PLACES.

67. The roofs and sides of all working places and travelling roads, including airways and travelling roads to second outlets, shall be made and kept secure.

68. (1) In any mine or part of a mine where the roof is of such a nature as to require artificial support, an Inspector, after consultation with the manager, may require such support to be systematic, and may give notice to that effect to the manager, who shall, by notices posted in conspicuous places at the mine, specify the manner in which supports are to be set and advanced and the maximum intervals—

- (a) between each row of props,
- (b) between adjacent props in the same row,
- (c) between the front row of props and the face, and
- (d) between chocks or cogs.

(2) The manager and his subordinate staff shall be responsible for securing effective compliance with the terms of the notices and no such mine or part of a mine shall be worked in contravention of these terms.

(3) Where the manager is unable to agree with an Inspector in respect of any order given by such Inspector under sub-regulation (1), an appeal may be preferred, within one month of the receipt of the order, to the Chief Inspector and the order of the Chief Inspector thereon shall be final.

69. (1) In open workings the overburden and all loose ground and material shall be removed sufficiently far from the edge, or otherwise made secure, in such a manner as to prevent danger to persons employed in the mine.

(2) The sides of open workings shall be sloped, stepped or secured, in such a manner as to prevent danger from falls of material.

(3) When an open working is worked in steps, the steps shall be of sufficient breadth in comparison with their height to secure safety.

70. (1) For the purposes of inspections before the commencement of a period of work constituting a shift at a mine, one or more stations shall be fixed by the manager at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in the manner hereinafter provided.

(2) A competent person or persons, having the prescribed qualifications and appointed by the manager, shall within such time not exceeding two hours before the commencement of work in a shift, as may be fixed by the bye-laws of the mine, inspect every part of the mine situated beyond the station or each of the stations fixed by the manager, in which work-persons are to work or pass during the shift, and all working places in which work is temporarily stopped and the edges of all goaves within any ventilating district in which persons have to work, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides and general safety are concerned. The result of every such inspection shall be recorded in a book kept at the mine for the purpose.

(3) A like inspection shall be made at least twice in the course of each shift, and at least once in every five hours during which the shift continues, of all parts of the mine which are situated beyond the station or each of the stations aforesaid and in which work-persons have to work or which they have to traverse during that shift, but it shall not be necessary to record the result of such inspections in a book unless the last inspection in a shift is the inspection required to be made under sub-regulation (2).

(4) Except in the case of a mine in which inflammable gas has never been found or is unlikely to be found, the inspection shall be made with a locked safety lamp of a type approved by the Chief Inspector and no other light shall be used during the inspection.

(5) Every report referred to in sub-regulation (2) shall be made by the person inspecting, either when under ground or immediately on his return to the surface, and shall be a full and accurate report of the inspection, specifying whether or not, and where, if anywhere, noxious or inflammable gas was found, and whether or not any and, if any, what defects in roof or sides and other sources of danger were observed. The report shall be signed by the person who made the inspection and shall state the date and time of the inspection and the date and time when the report was written.

(6) The part of a mine or mines assigned to a competent person under this regulation shall not be of such a size, nor shall any duties which may be assigned to him other than his duties under this regulation be such, as to be likely to prevent him from carrying out such last-mentioned duties in a thorough manner. If any question arises whether the part of a mine or mines assigned to any such person is too large or whether the additional duties assigned to him are too great, the decision of the Chief Inspector shall be final.

(7) A competent person or persons appointed by the manager shall inspect all airways and travelling roads leading to second outlets at least once a fortnight, and shall record the result of his inspection in a book kept at the mine for the purpose.

(8) For the purposes of this regulation the period of employment constituting a shift at the mine shall not exceed 24 hours.

71. (1) (With effect from the first day of January, 1927,) no person shall, save as hereinafter provided, be appointed to make any inspection required by regulation 70 unless he—

- (i) has within the preceding five years obtained a certificate from an authority and in a form to be prescribed by the Board of Examiners constituted under these regulations to the effect that his powers of eye-sight and hearing are such as to enable him to make the inspection efficiently, and
- (ii) holds a manager's or a sirdar's certificate or a manager's permit or is for the time being authorised under sub-regulation (1) of regulation 24 to act as manager of the mine in which the

### No. 33.

In sub-regulation (1) of regulation 71 on page 264 *delete* the words <sup>ted</sup> and figures "With effect from the first day of January, 1927" and in <sup>or</sup> sub-regulation (2) after the word "rupee" <sup>an</sup> *insert* the words and figures <sup>the</sup> "payable in the manner prescribed in regulation 153".

(Government of India, Department of Industries and Labour, <sup>ose</sup> Notification No. M-1055 (1) dated 13th May 1929.) <sup>ant</sup>

<sup>in</sup> ("Correction Memorandum No. 3.) <sup>in</sup> clause (v) of sub-regulation (1), <sup>in</sup> unless such examination is made in the course of an examination held under regulation 40.

(3) Where an emergency exists, the manager of a mine may appoint to make the inspection required by regulation 70 any person who, in his opinion, is competent to make such inspection, notwithstanding the fact that such person does not possess the qualifications prescribed in sub-regulation (1):

Provided that such appointment shall not extend over a period exceeding one month:

Provided further that every such appointment and the reasons therefor shall forthwith be reported to the Chief Inspector. The Chief Inspector may cancel any appointment so made, and such cancellation shall be final.

72. (1) If at any time it is found by the person for the time being in charge of a mine or any part thereof that, by reason of inflammable or noxious gases prevailing in the mine or part, or of any cause whatever, the mine or part is dangerous, every workman shall be withdrawn from the mine or part, and a competent person appointed for the purpose shall inspect the mine or part, and in every case shall make a full and accurate report of the condition of the mine or part, and no workman shall, except in so far as is necessary for enquiring into the cause of danger or for the removal thereof or for exploration, be re-admitted into the mine or part, until the same is reported by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded without delay in a pagged book, which shall be kept at the mine for the purpose, and shall be dated and signed by the person who made the inspection.

(2) If the danger arises from inflammable gas the inspection shall be made with a locked safety lamp of a type approved by the Chief Inspector.

73. Where any part of a mine is so situated that there is any danger of irruption of surface water into the mine adequate protection against such an irruption shall be provided and maintained.

74. Where any working has approached within 100 feet of any place containing or likely to contain an accumulation of water or other liquid matter, or within 100 feet of disused workings (not being workings which have been examined and found to be free from accumulation of water or other liquid matter) the working shall not exceed eight feet in width or height, and there shall be maintained at least one bore-hole near the centre of the working face, and sufficient flank bore-holes on each side and, where necessary, bore-holes above and below the working, at intervals of not more than 15 feet. All such bore-holes shall be and shall be constantly maintained at sufficient distance in advance of the working and such distance shall in no case be less than 10 feet.

75. Where work is being done in any seam or part of a seam below another seam or part of a seam containing an accumulation of water, adequate precautions shall be taken against such an irruption of water into the lower seam as would be likely to endanger the lives of the workmen in the mine.

76. (1) No working shall be made within a distance of 25 feet of the boundary of any mine property, or, in the case of a disputed boundary, within a distance of 25 feet of the boundary claimed by the owner of an adjacent mine until such time as a binding agreement has been reached as to the correct boundary or the question has been finally determined by a court of law.

(2) Notwithstanding anything contained in sub-regulation (1) the Chief Inspector may, by order in writing, permit the working of any mine or part of a mine to extend to within any shorter distance than 25 feet of the boundary of the mine, or may require that the working of any mine or part of a mine shall not extend further than any specified distance, not exceeding 50 feet, of such boundary.

(3) The owner of any mine affected or likely to be affected by any order passed by the Chief Inspector under sub-regulation (2) may prefer an appeal to the Mining Board constituted under section 10 of the Act, or, if no Mining Board has been so constituted for the province in which the mine or part of a mine is situated, to the Local Government, and the order of the Mining Board or of the Local Government thereon shall be final.

77. In any mine or part of a mine in which persons have to work or which persons have to traverse, the pillars left to support the roof shall be of such a size as to prevent any such collapse of the workings as would be likely to endanger the lives of the persons in the mine.

78. The extraction of pillars of coal which have been left in the first working of the seam shall be conducted in such a way as to prevent as far as possible a collapse or subsidence of the goaf extending over pillars which have not been extracted. Adequate timber or other supports shall be used where necessary.

79. Where the method of extraction is to remove all the coal, or as much of the coal as is practicable and allow the roof to fall in, operations shall be conducted in such a way as to leave as small an area of uncollapsed roof as possible and, where practicable, means shall be taken to bring down the roof at regular intervals.

80. In any mine in which two or more seams or sections of a seam are in close proximity to each other, the pillars in the one seam or section shall be, as far as practicable and where the strata are not highly inclined, vertically above or below the pillars in the other seam or section. No work in a higher seam or section shall be done over an area in a lower seam or section which may collapse unexpectedly.

81. (1) Reasonable provision shall be made in every mine to prevent—

- (a) an outbreak of fire in the mine or the spread of fire to the mine from any mine adjacent to it,
- (b) inundation by water from a neighbouring mine, and
- (c) the premature collapse of workings,

and to isolate, control or remedy, as the case may require, any such outbreak, inundation or collapse which may occur.

(2) Where, in the opinion of an Inspector, the provision made for the purposes specified in sub-regulation (1) are inadequate, he may require such additional provision as he shall specify to be made.

(3) An appeal in respect of any order passed by an Inspector under sub-regulation (2) may be preferred to the Chief Inspector and the order of the Chief Inspector thereon shall be final.

82. No person shall work in any place other than a place in which he has been ordered to work by an official of the mine or by any person in whose charge he has been placed by an official of the mine.

83. Every person shall examine his own working place before commencing work, and also at intervals during the shift. If any dangerous

condition is observed by him he shall either remedy it or immediately leave the place and report the fact to an official of the mine, who shall deal with the matter without delay.

84. No person shall cut coal from any pillar, roof or floor unless specially so authorised by the manager, or other person qualified under the provisions of regulation 71 to make an inspection required by regulation 70.

85. After an explosion of fire-damp, or coal dust or an outbreak of fire in a mine only such persons as are authorised by the manager or an official appointed by the manager for the purpose or in the absence of the manager or such official, by the principal official of the mine present at the surface, shall be allowed to enter the mine.

86. Where rescue or recovery work is being undertaken in a mine or part of a mine likely to contain an irrespirable atmosphere, no party of less than three shall be allowed to enter.

87. In any mine in which an underground fire exists whether such fire has been sealed off by means of stoppings of non-inflammable material or not, or in which an explosion of fire-damp or coal dust is likely to occur, there shall be kept at the mine constantly available for use two or more small birds or mice for the purpose of testing for carbon monoxide and two or more safety lamps for the purpose of testing for inflammable and other gases.

Provided that the Chief Inspector or an Inspector may require compliance with this regulation in the case of any other mine if he thinks that the circumstances of the mine are such as to require it.

## CHAPTER VIII.

### HAULAGE.

88. Every haulage road on which the haulage is worked by gravity or mechanical power shall be provided with sufficient manholes for refuge, which shall in no case be placed at intervals of more than 60 feet and which shall not be less than 5 feet in height, 3 feet in width and 4 feet in depth. Where the inclination is more than 1 in 6 the manholes shall be at intervals of not more than 30 feet. Every manhole shall be kept clean and nothing shall be placed across the entrance thereto so as to impede ingress:

Provided that in any case in which an Inspector considers that there are difficulties which make the provision of a manhole at the above specified intervals or of the above specified dimensions not reasonably practicable, he may, by order in writing, specify a greater interval or reduced dimensions.

89. Every haulage road exceeding 100 feet in length on which the haulage is worked by gravity or mechanical power, shall be provided with proper means of communicating distinct and definite signals from all regular stopping places to the place or places at which the persons who control the haulage machinery are stationed:

Provided that the Chief Inspector may, at his discretion and by order in writing, require that there shall be means of communicating signals in the reverse direction also.

The first four or principal signals shall be—

Three raps	..	..	START when at rest.
One rap	..	..	STOP when in motion.
Two raps	..	..	{ LOWER SLOWLY or HAUL IN SLOWLY.
Four raps	..	..	{ RAISE SLOWLY or HAUL OUT SLOWLY.

Any other signals shall be in addition to and shall not interfere with the foregoing :

Provided that the Chief Inspector by order in writing, may, at his discretion, permit the use of a different code of haulage signals.

90. A printed copy of the code of haulage signals shall be kept posted at the brakewheel or haulage engine, and at both ends of the haulage road and at every signalling station.

91. The signal handle or attachment at every stopping place on any haulage or self-acting incline shall be placed in such a position as will enable the person operating the signals to be safe in the case of a runaway tub or tubs on the incline.

92. At the top of every incline on which the haulage, not being endless rope or endless chain haulage, is worked by mechanical power or gravity there shall be stop-blocks or other similar contrivances to prevent tubs from running away. Additional stop-blocks or runaway switches, or some other appliance for arresting the descent of tubs in the event of a runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of tubs. There shall also be provided and attached behind the ascending tub or train of tubs a back-stay, drag or other suitable contrivance for preventing the tub or tubs from running back.

93. No person shall permit a tub or tubs to run uncontrolled except with the consent of the manager :

Provided that the Chief Inspector may, by order in writing, prohibit the uncontrolled movement of tubs at any place where, in his opinion, there would be danger of injury to persons.

94. Where haulage is effected by means of an endless rope or chain, automatic catches shall be fixed at such points on the haulage road as may be necessary to prevent tubs from running away.

95. No person shall ride on any tub, truck or wagon, either under ground or above ground, except with the written permission of the manager.

96. Where the Chief Inspector so requires, travelling roads separate from the haulage roads, shall be provided to and from the working places.

## CHAPTER IX.

### EXPLOSIVES.

97. No owner, agent or manager shall store, or knowingly allow any other person to store, within the premises of the mine, any explosives otherwise than in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

98. No explosive shall be stored in the workings of a mine or taken into or kept in a dwelling house.

99. No explosive shall be used in a mine except that provided by the manager.

100. The manager shall appoint in writing a competent person or persons to be in charge of every magazine for the storage of explosives, and no person shall be in charge of a magazine without such written authority.

101. Explosives shall be issued only to competent persons appointed in writing by the manager, and no unauthorised person shall have explosives in his possession.

102. Gunpowder shall not be issued for use in blasting operations in a mine or used in a mine, except in the form of cartridges.

103. Explosives unused and left over at the end of a shift shall be returned to the magazine immediately after the end of the shift. Such returned explosives shall be re-issued before fresh stock is used.

104. The person in charge of a magazine shall keep a correct record of the quantity of gunpowder and of the numbers of cartridges of other kinds of explosives and of detonators issued from the magazine to each authorised person, and a similar record of explosives returned to the magazine.

105. The preparation of cartridges from loose gunpowder, the drying of gunpowder and the re-construction of damp cartridges shall be carried out only by a competent person or persons appointed in writing by the manager for the purpose, and only in accordance with the conditions laid down in rules made under the Indian Explosives Act, 1884, and in a place approved by the licensing authority.

106. No explosive shall be taken into a mine except in secure closed cases or canisters, containing not more than five pounds each, and no person shall have in use or keep for use, at one time in any one place, more than one such case or canister. The place, in the mine at which any such case or canister is in use, or is kept for use, shall unless solid ground directly intervenes, not be less than 30 feet from a place at which any other such case or canister is in use or kept for use :



Provided that the Chief Inspector may, in special cases by order in writing permit, subject to such limitations as he may prescribe, the use at one time in one place of more than one such case or canister.

107. Every charge shall be placed in a properly drilled and placed shot-hole and shall have sufficient stemming. A sufficient supply of clay or other suitable stemming material shall be provided at places convenient to the shot firers.

108. No shots shall be stemmed or fired save by, or under the personal direction of, a competent person appointed by the manager, by an order in writing for the purpose.

109. Any person so authorised, when about to fire a shot, shall give sufficient warning to all persons likely to be endangered by the same.

110. When two working places have approached to within 10 feet of one another, no blasting shall be done in any one of such workings unless the workmen have been withdrawn from the other working, and the same has been fenced.

*Explanation.*—For the purposes of this regulation, any place to which workmen have lawful access shall be deemed to be a working place.

111. In the process of charging or stemming for blasting, no person shall use or have in his possession any iron or steel pricker, scraper, tamping rod, or stemmer, and only clay or other non-inflammable substance shall be used for tamping or stemming.

112. When a hole has been charged, the explosive shall not be unrammed, and no hole shall be bored at a distance of less than 12 inches from any hole where a charge has misfired.

113. Detonators shall be kept in a securely locked box separate from any other explosive and no detonator shall be inserted into the priming cartridge until immediately before it is to be used :

Provided that in the case of a wet working priming cartridges may be prepared at the nearest convenient dry place adjacent to the working.

114. No explosive shall be forcibly pressed into a hole of insufficient size.

115. In any place in which the use of a locked safety lamp is for the

#### No. 34.

Add the following proviso to regulation 116 on page 270, namely :—

“ Provided that in the case of any mine an exemption may be given by the Chief Inspector on the ground that, on account of the special character of the mine, the prohibition of the use of explosives other than ‘ Permitted Explosives ’ is not necessary.”

(Government of India, Department of Industries and Labour, Notification No. M-1055 (1) dated 13th May 1929.)

(Correction Memorandum No. 3.)

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before any other person enters the place, make a careful examination and with his assistants make the place safe. No other person shall enter the place until the examination has been made and the place has been declared to be safe in all respects.

118. When a shot has misfired, the entrance to the firing place shall be fenced, and no person shall go beyond the fence until the expiration of one hour from the time of firing; but when the shot has been fired by means of an electric apparatus, this interval may be reduced to such time, not being less than ten minutes after the cable has been disconnected from the firing battery, as the manager of the mine may in each case direct.

119. When a shot has misfired, the official or other competent person in charge of the explosive at the time of the misfire shall report the failure to the manager or under-manager, who shall record the fact in a book to be kept for the purpose; and such official or other competent person shall give information of the failure to such person as may relieve or take over charge from him.

120. When a misfired charge of explosive has been blasted out, a careful search for cartridges and detonators, if any, shall be made amongst the debris, and, if not located under ground, the tubs into which the debris is loaded shall be marked and a further search made on the surface.

## CHAPTER X.

### VENTILATION AND LIGHTING.

121. An adequate amount of ventilation shall be constantly produced in every mine to clear away smoke and to dilute and render harmless inflammable and noxious gases to such an extent that the working places of the shafts, levels and workings of the mine, and the travelling roads to and from these working places, shall be in a safe state for persons working or passing therein.

122. In every mine in which inflammable gas has been found within the previous twelve months or where workings have been walled off on account of fire, the quantity of air in the main air currents or splits shall, at least once in every month, be measured and entered in a book kept at the mine for the purpose.

123. No lamp or light other than a locked safety lamp of a type approved by the Chief Inspector shall be allowed or used—

(a) in any place in a mine in which there is or is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous, or

(b) in any working approaching near a place in which there is likely to be an accumulation of inflammable gas, or

(c) in any seam in which an explosion or ignition of inflammable gas has occurred within the previous twelve months;

Provided that in the case of any mine an exemption may be given by the Chief Inspector on the ground that, on account of the special character of the mine, the use of safety lamps is not required.

124. In every mine in which inflammable gas has been found during the previous twelve months, safety lamps shall be used as a precautionary measure in all galleries driven in advance of the ordinary galleries.

125. Where the use of safety lamps has been introduced in any part of a ventilating district, naked lights shall not be used in any other part of the same ventilating district situated between the place where such lamps are used and the return airway, except where the use of safety lamps in that part of the district has been introduced as a precautionary measure, and the conditions are not such as to render necessary the introduction of the use of safety lamps throughout the district.

126. All safety lamps in ordinary use shall be numbered and such record shall be kept of the persons to whom the lamps are issued that the user of any particular lamp can at any time be identified from the record.

127. In every mine or part of a mine in which the use of safety lamps is for the time being required by or in pursuance of these regulations, the following provisions shall have effect namely :—

(a) A competent person shall be appointed by the manager to clean, trim, examine, and lock securely all such lamps before they are taken into the workings for use, and such lamps shall not be used until they have been so examined and found to be in safe working order and securely locked.

(b) The banksman or other competent person appointed by the manager for the purpose shall examine every safety lamp at the surface immediately before it is taken under ground for use and shall assure himself as far as practicable from external observation that each lamp is in safe working order and securely locked.

(c) No safety lamp shall be unlocked except at the appointed lamp station.

(d) No person, unless he has been authorised in writing by the manager either for the purpose of examining or relighting safety lamps, shall have in his possession any contrivance for opening the lock of a safety lamp.

(e) No person shall have in his possession any unlocked safety lamp, naked light, match, smoking apparatus, or any apparatus of any kind for striking a light except within a completely closed chamber attached to the fuse of a shot ; and if it appears to any person that any safety lamp in his possession is defective or insecure he shall at once remove it from the mine and return it to the person authorised to issue safety lamps.

*Explanation.*—For the purposes of this regulation the term “ manager ” includes an under-manager and any person for the time being carrying on the duties of the manager.

128. Where the use of safety lamps is for the time being required by or in pursuance of these regulations, one or more lamp stations for lighting or re-lighting the lamps shall be fixed by the manager at the entrance to the mine or part of the mine, as the case may require. No such lamp station shall be in a return airway. Every such lamp station shall be in charge of a person authorised in writing by the manager.

129. No person other than a person authorised by the manager to examine and lock safety lamps shall either himself take or give out for use any safety lamp.

130. No person shall wilfully damage, or improperly use, or by improper means extinguish, any safety lamp, and no one except a person duly authorised by the manager in that behalf shall unlock or open or attempt to unlock or open any safety lamp.

131. Any person discovering the presence of inflammable gas in his working place shall immediately withdraw therefrom and inform the sirdar, overman or manager.

132. In any underground part of a mine where adequate stationary lights are not in use, every person shall carry a light.

133. No person shall leave a light or fire in any underground part of a mine unless and until he has placed it in charge of some person remaining therein.

134. Every person after passing through a door or brattice-cloth shall at once close it.

135. No person shall wilfully kindle a "feeder" or an accumulation  
No. 35.

In regulation 136 on page 273 for the words and figures "the 1st day of July, 1927 or such later" substitute the word "such".

(Government of India, Department of Industries and Labour, Notification No. M-1055 (1) dated 13th May 1929.)

## CHAPTER XI.

### FENCINGS AND GATES.

137 (1) Every entrance to a mine from the surface, and the top and all entrances between the top and the bottom, including the sump (if any), of every working, ventilating, or pumping shaft, and the top of every open excavation, shall be kept properly fenced:

Provided that any fence may be temporarily removed for the purpose of repairs or other operations, if proper precautions are used.

(2) Shafts and quarries temporarily or permanently out of use and any place in or about an excavation which is dangerous shall be kept properly fenced.

138 (1) Every entrance to a mine from the surface, by which the mine can be entered on foot, if it is regularly used as a travelling or haulage road, shall be provided with a gate, which shall be kept closed and locked when there are no persons under ground in the mine, and shall be so constructed as to prevent effectually, when closed, the entrance of persons into the mine.

(2) Every entrance to a mine from the surface, by which the mine can be entered on foot, if it is not regularly used as a travelling or haulage road, shall be permanently closed or kept properly fenced, across the whole width of the entrance.

(3) Gates and fences at entrances to mines shall be so constructed as not to prevent egress in case of emergency.

139. Every entrance to any place in a mine which is not in actual use or course of working or extension, shall be kept properly fenced across the whole width of the entrance, and every such fence shall be so constructed as effectually to prevent persons from entering such place inadvertently.

140. (1) Where any place in a mine is found to be dangerous, all approaches to the place shall be kept securely fenced off so that it cannot be entered inadvertently.

(2) Where it is necessary to prevent danger to the public, every tank or reservoir shall be securely fenced.

141. Every fly-wheel and all exposed and dangerous parts of the machinery of whatever kind used in or about a mine shall be kept securely fenced, guarded or cased in such a manner as may be necessary to prevent accident.

## CHAPTER XII.

### MISCELLANEOUS.

142. If any person in charge of any machinery, apparatus or appliance used in or about a mine, observes any defect or dangerous flaw therein, he shall immediately report the fact to the manager, under-manager or engine-wright, or other responsible official.

143. Every person shall strictly comply with all lawful orders issued by the manager or such other official as may be empowered by the manager to issue the same.

144. No person who has been appointed by the manager in writing for a specific duty shall depute another person to do his work without the sanction of the official to whom he is subordinate; and no such person shall absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by another person appointed as aforesaid.

145. No person who has been appointed in writing by the manager for a specific duty shall sleep whilst on duty.

146. No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or wilfully omit to do

anything necessary for the safety of the mine or the persons employed therein.

147. No person shall damage, destroy or improperly interfere with anything provided for or used in the working of the mine.

148. No person shall remove or pass through any fence, or remove or pass any danger-signal, unless specially so authorised by the manager or an officer empowered by the manager in that behalf.

149. A competent person or persons appointed by the manager for the purpose shall keep a correct record of the number of persons going under ground daily and returning from under ground daily and, if required by the manager, every person shall immediately before going under ground and after returning from under ground record his presence in accordance with any system approved for the mine by the Chief Inspector or an Inspector :

Provided that this regulation shall not apply in the case of any person  
No. 36.

After regulation 152 on page 275 add the following regulation, namely :—

“ 153. The fees payable under regulations 42 (1), 43 (2), 44 and 71 (2) shall be paid directly into the Treasury or a branch of the Imperial Bank of India, and the receipt of the Treasury or Bank shall be sent to the Chief Inspector along with the application to which the fee relates. An application unaccompanied by such receipt shall be rejected. The fees payable under regulation 50 (3) shall be paid direct into the Treasury or a branch of the Imperial Bank of India but such payment need not be made until the application to which the fee relates has been accepted.”

(Government of India, Department of Industries and Labour, Notification No. M-1055 (1) dated 13th May 1929.)

(Correction Memorandum No. 3.)

### The Schedule.

#### FORM I.

[See REGULATION 3 (1)]

*Monthly return of coal raisings and coal despatches for the month 19*

1. Name of mine.
2. Name of owner.
3. Postal address of owner.
4. Raisings of coal of all kinds (including colliery consumption and coal used for coke making). Tons.
5. Despatches of coal. Tons.
6. Signature of owner, agent or manager.

Dated

## FORM II.

[See REGULATION 3 (2)]

*Annual return for the year ending on the 31st December 19*

1. Name of mine.
2. Postal address of mine.
3. Date of opening.
4. Date of closing (if closed).
5. Situation of mine { District.  
Province.
6. { Name of owner.  
Postal address of owner.
7. { Name of Managing Agents (if any).  
Postal address of Managing Agents (if any).
8. { Name of Agent (if any) as defined in Section 3 (a) of the  
Indian Mines Act.  
Postal address of Agent.
9. { Name of Manager.  
Postal address of Manager.
10. Means by which coal is raised from the mine, *i.e.*, hand labour, mechanical or electrical power.

## FORM III.

[See REGULATION 3 (2)]

*Persons employed during the year ending on 31st December 19 , and wages paid for work done in December 19*

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 7 by the number of attendances in column 6
<i>A.—Underground (i.e., in places lying beneath the super-jacent ground).</i>							
I. Males :—							
Overmen and/or sirdars ..							
Coal Cutters ..							
Loaders ..							
Skilled labour not included above ..							
Unskilled labour not included above ..							
Total (males) ..							
II. Females ..							
<i>B.—Open workings (i.e., in workings of the mine (including quarries) which are not situated beneath the super-jacent ground).</i>							
I. Males :—							
Overmen and/or sirdars ..							
Coal Cutters ..							
Loaders ..							
Skilled labour not included above ..							
Unskilled labour not included above ..							
Total (males) ..							
II. Females ..							



## FORM III—continued.

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 7 by the number of attendances in column 6
C.—Surface (i.e., not in the workings of the mine, including all subordinated officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting).							
I. Males :—							
Clerical and supervising staff (excluding the superior supervising staff) ..							
Skilled labour ..							
Unskilled labour ..							
Total (males) ..							
II. Females ..							

Note (1).—Where persons are employed in both underground and open workings, the figures relating to them should be included under section A.

Note (2).—Where workmen are paid through contractors, the sums entered in column 7 should be the sums paid by the contractors to the workmen, so far as these can be ascertained.

**FORM IV.**  
[See REGULATION 3 (2)]  
*Accidents and Prosecutions.*

NUMBER OF SEPARATE ACCIDENTS* REPORTED DURING THE YEAR			NUMBER OF PERSONS		Number of prosecutions instituted by the management, with the sections and rules under which the prosecutions were instituted	Number of persons convicted, with the sections and rules under which the convictions were obtained
Fatal	Serious	Total	Killed	Seriously injured		
1	2	3	4	5	6	7

\* Accidents, which were reported as serious accidents but resulted fatally, should be entered as fatal accidents.

**FORM V.**  
[See REGULATION 3 (2)]  
*Epidemic Diseases.*

Name of disease*	Date of appearance	Date of disappearance	Number of cases	Number of deaths
Cholera ..				
Plague ..				
Small-pox ..				
Influenza ..				

\* Figures for any other specified disease which has been epidemic at the mine should be entered in this form.

## FORM VI.

[See REGULATION 3 (2)]

*Type and aggregate horse-power of electrical apparatus.*

## 1.—System of supply (whether continuous current or alternating current)—

Voltage of supply ..	..	..	..	..
Periodicity ..	..	..	..	..
Source of supply ..	..	..	..	..

## 2.—Voltage at which current is used for—

Lighting ..	..	..	..	..
Power ..	..	..	..	..

## 3.—Aggregate horse-power of motors installed on surface for—

Winding ..	..	..	..	..
Ventilation ..	..	..	..	..
Haulage ..	..	..	..	..
Coal washing or screening ..	..	..	..	..
Miscellaneous ..	..	..	..	..

Total, horse-power ..

## 4.—Aggregate horse-power of motors installed under ground for—

Haulage ..	..	..	..	..
Pumping ..	..	..	..	..
Portable machinery ..	..	..	..	..
Miscellaneous ..	..	..	..	..

Total, horse-power ..

## 5.—Total, horse-power (addition of 3 and 4) .. ..

# FORM VII.

[See REGULATION 3 (2)]

*Explosives, safety lamps, mechanical ventilators and coal-cutting machines.*

Explosives	Name of explosives		Quantity used in lb.		Number of detonators used		Name of safety lamps		
Safety lamps .	No. of safety lamps and method of locking	Screw	Name of mechanical ventilator	Average total quantity of air produced per minute	Water gauge obtained	Name and type	Power used, i.e., electricity or compressed air	Number in use	Total, number of square feet cut
		Lead rivet							
		Magnetic							
Mechanical ventilators		Coal-cutting machines							

## FORM VIII.

[See REGULATION 3 (2)]

*Output for year ending on the 31st December 19*

	Opening stocks on 1st January 19	Raisings (including colliery consumption and coal used for coke-making)	Total value of raisings ("Value" means, and should be calculated upon actual or estimated selling price into wagons at the mine)	Total of columns 2 and 3	Despatches	Colliery consumption (exclusive of coal used for coke-making)	Coal delivered for coking on colliery	Closing stocks on 1st December 19	Total of columns 6, 7, 8 and 9
1	2	3	4	5	6	7	8	9	10
Coal, including rubble, slack and dust.	Tons	Tons	R.	Tons	Tons	Tons	Tons	Tons	Tons

**Coal despatched to coke factories**

*Note.*—The total in column 5 must be the same as the total in column 10.  
The figures should be in tons and rupees, omitting cwt. and annas.

	Opening stocks	Coke made	Total of columns 1 and 2	Coke despatched	Colliery consumption	Closing stocks	Total of columns 4, 5 and 6	Total value of coke made. ("Value" means, and should be calculated upon actual or estimated selling price into wagons at the mine.)
—	1	2	3	4	5	6	7	8
Coke (hard)	Tons	Tons	Tons	Tons	Tons	Tons	Tons	Rs.
Coke (soft)	..	..	..	..	..	..	..	..

*Note.*—The total in column 3 must be the same as the total in column 7.  
The figures should be in tons and rupees, omitting cwt. and annas.

Signature of Owner, Agent or Manager.

(If the form is signed by Managing Agents the words "for owner" should be added).  
Date of signature.

FORM IX.  
[See REGULATION 13]  
*Notice of Accident.*

From—

To—The Chief Inspector of Mines,

(through the District Magistrate of.....).

*Dated*

*19 .*

Sir,

I have the honour to furnish the following particulars

a fatal accident

serious accident

of an explosion or ignition which has occurred at the  
an eruption of fire  
an irruption of water

**Mine :—**

1. Situation of the mine (Village, District, Province.)

2. Name and postal address of owner

3. Name and sex of persons—

		Age	Occupation
Killed	Injured		

4. Date and hour of the occurrence ..

5. Place of the occurrence .. ..

6. Cause and description .. ..

7. Classification of accident\* .. ..

8. Nature of injury, and if fatal cause of death.

I have the honour to be,

Sir,

Your most obedient servant,

Owner.

Agent.

Manager.

\* Under one or other of the following heads, namely :—

(1) Explosions and ignitions of fire damp; (2) falls of roof; (3) falls of sides; (4) in shafts (overwinding); (5) in shafts (ropes and chains breaking); (6) in shafts (while ascending or descending by machinery); (7) in shafts (falling down shaft); (8) in shaft (things falling down shaft); (9) in shafts (miscellaneous); (10) suffocation by gases; (11) by explosives; (12) irruptions of water; (13) haulage; (14) by underground machinery; (15) sundries underground; (16) by surface machinery; (17) boilers or pipes bursting; (18) on surface railways or tramways belonging to the mine; (19) by electricity; (20) miscellaneous on surface.

Bombay Castle, 22nd September 1926.

No. S. 18/6 (a).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

“ No. M. 1055 (2), dated Simla the 8th September 1926.

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), and in supersession of the rules published with the notifications by the Government of India in the Department of Commerce and Industry, No. 11793/103\*, dated the 30th December 1908, and No. 6436/152,† dated the 2nd September 1911, and of all notifications amending those rules, the Governor General in Council is pleased to make the following regulations, the same having been previously published as required by sub-section (1) of section 31 of the said Act namely :—

### REGULATIONS FOR ALL MINES EXCEPT COAL MINES.

1. (1) These regulations may be called the Indian Metalliferous Mines Regulations, 1926.

(2) They shall apply to every mine of whatever description other than a coal mine.

2. In these regulations, unless there is anything repugnant in the subject or context—

(a) ‘ the Act ’ means the Indian Mines Act, 1923 ;

(b) ‘ the District Magistrate ’, in relation to any mine, means the District Magistrate of the district in which the mine is situated :

Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purposes of these regulations shall be the District Magistrate authorised in this behalf by the local Government.

(c) ‘ Form ’ means a Form as set out in the Schedule ;

(d) ‘ Schedule ’ means the Schedule to these regulations.”

## CHAPTER I.

### RETURNS, NOTICES AND RECORDS.

3. (1) On or before the 21st day of January in each year the owner, agent or manager of every mine shall forward to the District Magistrate and to the Chief Inspector annual returns in respect of the preceding year in the following Forms :—

Mica Mines . . . . . In Forms I, II, III, IV, VI and VII.

Mines other than Mica Mines . . . . . In Forms I, II, III, IV, V, VI and VIII.

\* Republished at pages 56-60 of Part I of the *Bombay Government Gazette*, dated 14th January 1909.

† Republished at pages 1619-1621 of Part I of the *Bombay Government Gazette*, dated 7th September 1911.

(2) If any mine is abandoned or the working of any mine has been discontinued over a period exceeding three months or if a change occurs in the ownership of any mine the returns required by sub-regulation (1) shall be submitted, within one month from the date of abandonment or change of ownership or within four months from the date of discontinuance :

Provided that the Chief Inspector may by order in writing extend the period for the submission of such returns up to any date not later than the twenty-first day of January in the year following that to which they relate :

Provided further that nothing in this sub-regulation shall be deemed to authorise the submission of any return later than the twenty-first day of January in the year following that to which it relates.

4. The notice required by section 14 of the Act shall be furnished in duplicate, and shall specify the name and situation of the mine, the names and addresses of the owner and the manager, and, in the case of a new mine, the date on which it was opened. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

5. When a mine has been abandoned, or the working thereof has been discontinued over a period exceeding two months, the owner of the mine shall, within one month after the abandonment or within seven days after the expiry of the said period, as the case may be, send to the Chief Inspector notice in writing specifying the name and situation of the mine, the name and address of the owner, and the date and cause of the abandonment or discontinuance.

6. When a mine is re-opened after abandonment or discontinuance, the owner, agent or manager shall, within one month after the date of the re-opening, send to the District Magistrate notice in writing in duplicate, specifying the name and situation of the mine, the names and addresses of the owner and the manager, and the date of the re-opening. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

7. When a change occurs in the name of, or in the ownership of, a mine, notice in writing of the change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the change.

8. When any new appointment is made of an agent or manager of a mine, or any change of address of any agent or manager occurs, notice of the appointment or change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the appointment or change.

9. When the ownership of a mine is transferred, the previous owner or his agent or manager shall make over to the new owner all plans, books and other records required to be kept under the Act, and all correspond-



ence relevant to the working of the mine with the Department of Mines and other Government departments.

10. If the owner, agent or manager of any mine intends to conduct or extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work in respect of which this regulation is applicable by reason of any general or special order of the Local Government under clause (u) of section 29 of the Act, he shall not less than sixty days before commencing such operations give notice of his intention to the Chief Inspector and also, in the case of a railway to the Railway Administration concerned or, in the case of any such public work as aforesaid to such authority as the Local Government may by general or special order direct.

11. If the operations in respect of which notice is given under regulation 10 are not commenced within twelve months from the expiry of the period of sixty days therein referred to, the notice shall be held to have lapsed and the provisions of that regulation shall apply as if no such notice had been given.

12. The notice to be given under regulation 10 shall specify the position of the workings of the mine in relation to the railway or public work in question, the manner in which it is proposed to carry out the intended new operations, and the limits to which it is proposed to carry the said operations, and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway or public work in question.

13. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall forthwith inform the Inspector by telephone or telegraph, and shall also, within twenty-four hours of the occurrence of such accident, explosion, ignition, outbreak or irruption send notice thereof in Form IX to the District Magistrate or to the Sub-divisional Magistrate, who shall forward it to the Chief Inspector.

14. If death results from any injury already reported as serious under regulation 13, the owner, agent or manager of the mine shall, within twenty four hours of his being informed of the death, send notice thereof to the District Magistrate or to the Sub-divisional Magistrate, who shall forward it to the Chief Inspector.

## CHAPTER II.

### No. 37.

In sub-regulation (1) of regulation 15 on page 286 for the words "mines or classes of mines" substitute the words "mines or parts of mines or classes thereof".

(Government of India, Department of Industries and Labour, 27.11.1914)

(2) Nothing in this regulation shall be deemed to apply to any mine in which the workings do not extend under the super-jacent ground, or to any mine in which excavation is being made for prospecting purposes only :

Provided that the Chief Inspector may direct that this regulation shall apply to any such mine to such extent as he may think fit.

16. The owner, agent or manager of every mine shall keep in the office at the mine an accurate plan and section or sections, properly inked in on durable paper, of the workings of the mine on a scale of not less than 100 feet to 1 inch, showing the workings up to a date not more than six months previously. The name of the mine, of its owner and the scale shall be shown on the plan and sections, and the magnetic meridian with date shall be shown on the plan. The plans and sections shall also show all shafts, drives, crosscuts, winzes, rises, excavations (stoped ground), and any tunnels and passages connected therewith. They shall also show the boundaries of the underground leasehold, where possible, and all important surface features within the boundaries such as railways, roads, rivers, streams and reservoirs which overlie any part of the workings or any point within 600 feet of any part of the mine workings: also the general strike of the veins or mineral deposits, with their dips at different points, and the dislocations of the strata.

17. The owner, agent or manager of every mine shall, at any time on the request of the Chief Inspector or of any Inspector, produce to him as the office at the mine such plans and sections, and also, on the like request, mark on such plans and sections the then state of the workings, of the mine; and the Chief Inspector or Inspector shall be entitled to examine the plans and the sections, and for official purposes to make or have a copy made of any part thereof respectively.

18. Where any mine or any considerable part of a mine is abandoned, or the working thereof has been discontinued over a period exceeding one year, the person who was the owner of the mine at the time of the abandonment or discontinuance shall, within three months after the abandonment or within fifteen months after the discontinuance of working, as the case may be, send to the Chief Inspector accurate plans and sections of the workings of the mine up to the time of the abandonment or discontinuance, or a true and accurate copy of the same :

Provided that if a change of ownership occurs after the abandonment or discontinuance and before the expiry of the three months or the fifteen months aforesaid, as the case may be, such plans and sections shall be sent forthwith.

19. After the expiry of ten years from the date of abandonment or discontinuance of working in any mine or in any considerable part of a mine, or, where the consent of the owner of the mine for the time being has been obtained, prior to the expiry of the said period, the Chief Inspector may, on such conditions as he thinks fit to impose, permit

any person having interest in the said mine or part of a mine to inspect the plan or section of such mine or part of a mine sent to him in accordance with the provisions of regulation 18; and he may further, on such conditions as he thinks fit to impose, supply to any such person copies of the like plan or section.

### CHAPTER III.

#### MANAGEMENT.

20. For every mine a book, to be called the Inspection Book, shall be kept in which Inspectors may record their observations. The owner, agent or manager shall write or cause to be written at the commencement of the book—

- (a) the name of the mine,
- (b) the name and address of the owner of the mine and of the agent, if any,
- (c) the name and address of the manager of the mine.

21. (1) The owner or agent of a mine shall appoint a competent person of not less than 21 years of age to be manager of the mine. If any question arises whether any person so appointed is competent to perform the duties of manager, the decision of the Chief Inspector shall be final.

(2) One person may be appointed manager of more mines than one, provided that the size of such mines and the distance between them is not so great as to preclude the proper and thorough performance by such manager of his duties in respect of each such mine. The decision of the Chief Inspector shall be final on any question arising out of this regulation.

(3) Where by reason of absence or for any other reason the manager is unable to perform the duties required of him by the Act, regulations, rules and by-laws, the owner, agent or manager shall authorise in writing a person, whom he considers competent, to act as manager of the mine :

Provided that—

(a) no such authority shall have effect for a period in excess of one month ;

(b) the owner, agent or manager, as the case may be, shall send to the Chief Inspector with the least possible delay, a written notice intimating that such an authorisation has been made, and stating the reason for the authorisation, the qualifications and experience of the person authorised and the dates of the commencement and ending of the authorisation ; and

(c) the Chief Inspector may by order in writing revoke any authority so granted, and such order shall be final.

(4) No person shall be appointed to carry out the inspection required by regulation 43 unless he has attained the age of 21 years and has had sufficient practical experience of the working of mines. If any question

arises whether the person so appointed is competent to carry out the duties required of him, the decision of the Chief Inspector shall be final.

## CHAPTER IV.

### SHAFTS AND OUTLETS.

22. Where any part of a mine is so situated that there is any danger whatever of an irruption of surface water into the mine adequate protection against such an irruption shall be provided and maintained.

23. (1) At every mine where more than 20 persons are employed under ground, or where in the opinion of the Chief Inspector it is necessary there shall be at least two shafts or outlets, not nearer to one another than 20 feet, affording separate means of ingress and egress available to all the persons employed in the mine.

(2) Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts or outlets. If apparatus is necessary, it shall be kept on the works belonging to the mine and shall be constantly available for use.

(3) The foregoing provisions of this regulation with respect to shafts and outlets shall not apply—

(i) while a shaft is being sunk or an outlet is being made ;

(ii) to any working for the purpose of making a communication between two or more shafts or outlets.

(4) The Chief Inspector may exempt from the operation of this regulation, subject to such conditions as he may think fit to impose, any mine in the case of which special difficulties exist which in his opinion make compliance with the provisions of this regulation not reasonably practicable.

## CHAPTER V.

### RAISING AND LOWERING PERSONS OR MATERIALS.

24. At every shaft or incline where persons or materials are lowered or raised by means of machinery the following provisions shall have effect, namely :—

(a) A single linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to a cage, skip, wagon or bucket.

(b) Ropes used in raising and lowering persons and all cappings or sockets and shackles shall be of the best materials and kept in good condition. The working load shall at no time be more than one-sixth of the breaking load of the rope. A similar spare rope shall always be kept in reserve at mines where there is only one hoisting shaft.

(c) There shall be attached to every machine worked by mechanical power, and used for raising and lowering persons, one or more brakes of sufficient power by themselves to hold the cage, skip, wagon or

bucket, when loaded, at any point in the shaft, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage, skip, wagon or bucket in the shaft; and if the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft:

Provided that in the case of a shaft or winze not exceeding 100 feet in depth or a shaft or winze in course of sinking so much of this clause as requires an indicator shall not apply.

(d) Every apparatus on or in which persons ride in a working shaft shall be provided with a sufficient cover overhead, except—

(i) in that portion of a shaft which is being extended by sinking or

(ii) where persons are employed at work in a shaft.

(e) Every working shaft used for the purpose of drawing mineral or for lowering or raising persons shall, if exceeding 150 feet in depth, be provided with proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft, to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft. There shall also be proper means of transmitting distinct and definite signals from the top of every winding shaft to the winding engine. All signals shall be transmitted by mechanical or electrical means.

(f) (i) The first three or principal signals shall be—

One rap or bell	.. RAISE when engine at rest.
One rap or bell	.. STOP when engine in motion.
Two raps or bells	.. LOWER.
Three raps or bells	.. MEN ready to ascend or descend.
Three raps or bells	.. IN REPLY. Men may enter the cage or other conveyance :

Provided that an alternative code may be used where the written permission of the Chief Inspector has been obtained.

(ii) Any other signals shall be in addition to, and shall not interfere with, the foregoing.

(iii) A printed copy of the code of shaft signals shall be posted at the shaft top and at every inset, and also at the winding engine.

(g) Every working shaft used for lowering or raising persons by machinery, other than machinery operated by hand labour, shall, if it exceeds 150 feet in depth, be provided with guides to within not less than 100 feet from the bottom of the shaft.

(h) Adequate stationary lights shall be provided and used during working hours:—

(1) at all places where persons have to work under ground in the immediate vicinity of shafts.

(2) after dark at the tops of all working shafts and at all winding engines used for raising and lowering persons.

(i) There shall be on the drum of every machine used for lowering or raising persons such flanges, horns or other appliances as may be sufficient to prevent the rope from slipping. The rope shall be securely fastened to the drum, and there shall be at least two turns of the rope on the drum when the cage, skip, bucket or box is at the bottom of the shaft.

(j) Every cage shall be provided with catches or some other suitable contrivance to prevent tubs from falling out, and shall, if used for lowering or raising persons, be covered in completely at the top and closed in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be easily reached by all persons in the cage.

(k) The manager, or a competent person or persons appointed by the manager for the purpose shall, once at least in every 24 hours, examine the state of the external parts of the machinery and of the head-gear, ropes, chains, cages, guides, and conductors in the shafts and other similar appliances of the mine which are in actual use, both under ground and above ground, and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

25. No person shall get on or off a cage, skip, tub or bucket used for lowering or raising persons after the same has been set in motion, or leave it until it has reached the appointed stopping place; nor shall any person ride on the top or edge of any cage, skip, bucket or box except when engaged upon work in the shaft.

26. No person, when ascending or descending a shaft, shall take with him any tools or other bulky materials, save when engaged in repairing the shaft or when otherwise specially authorised by the manager:

Provided that, in the case of tools only, the manager may, by general order, permit the same to be carried.

27. No person shall ride in a shaft on, or against, a loaded cage, skip, bucket or box.

28. Every person, when at or about the top or the bottom of a shaft, shall obey the orders and directions of the shaft attendants on duty at the time.

29. Every windlass, whim or whip in use at a shaft or winze shall be provided with a stopper, lynch peg, or other reliable holder.

30. The bucket, skip or any wagon in the cage shall not be filled up to such a height that any of the contents can fall out, and the bottom of the cage shall be kept clean.

31. When tools, wood, etc., with ends projecting over the top of the cage, skip or bucket are being lowered or hoisted, the projecting ends shall be securely fastened to the rope or bow.

32. Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage, tub, skip or bucket at one time, and a notice specifying the authorised number shall be posted at the top of every shaft and at every inset in a shaft.

33. When the winding apparatus is not provided with some automatic contrivance to prevent overwinding, a point shall be fixed and marked on the indicator in such a way as to show when the cage or other conveyance is within a distance of twice the circumference of the drum from the completion of the wind; and when such cage or conveyance has reached such distance it shall not, if either it or the descending cage contains persons, be raised for the remaining distance at a speed exceeding three miles per hour.

34. In shafts exceeding 300 feet in depth, where persons are raised or lowered by machinery, suitable devices shall be fitted if, in the opinion of the Chief Inspector, such are required to provide against the overwinding of cages, skips or other conveyances or to safeguard persons liable to be injured in the case of an overwind.

35. At the top of every incline on which the haulage, not being endless rope or endless chain haulage, is worked by mechanical power or gravity there shall be stop-blocks or other similar contrivances to prevent wagons from running away. Additional stop-blocks or runaway switches, or some other appliance for arresting or diverting the descent of wagons in the event of a runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of wagons. There shall also be provided and attached behind the ascending wagon or train of wagons a backstay, drag or other suitable contrivance for preventing the wagon or wagons from running back.

36. Where wagons are moved by hand no person shall permit a wagon to run uncontrolled, and, if sprags are necessary, a sufficient number shall be provided by the manager.

37. No person shall ride upon any tub, truck or wagon either under ground or above ground without the permission of the manager.

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## CHAPTER VI.

### MINE WORKINGS.

38. The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material.

39. When an open working is worked in steps, steps shall be of sufficient breadth in comparison with their height to secure safety.

40. In open workings, trees liable to fall, the overburden, and all loose ground and material, shall be removed sufficiently far from the

edge, or otherwise made secure, in order to prevent danger to persons employed in the mine.

41. The roofs and sides of all travelling roads and working places shall be made and kept secure.

42. Where the ground is not safe, all shafts in use shall be made secure with suitable timber-work or other means of support.

43. (1) A competent person or persons appointed for the purpose by the manager or underground manager shall inspect, at least once in every shift, every part of the mine in or through which any person has to work or pass, for the purpose of ascertaining the condition thereof as to ventilation, roof, sides and general safety are concerned, and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of such inspection in a book to be kept at the mine for the purpose, and shall sign and date his report.

(2) A competent person appointed by the manager for the purpose, shall, once at least in every week, examine the state of the shafts by which persons ascend or descend, and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of the examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

44. Every place where work is carried on or where men are stationed or pass shall be placed under the charge of a competent person appointed by the manager or underground manager.

45. If a working place or travelling road is found to be unsafe, all persons shall be withdrawn immediately from the dangerous area and all access to such working place or travelling road, except for the purpose of removing the danger or saving life, shall be prevented by securely fencing the full width of all entrances to the place.

46. The top and all entrances between the top and bottom of shafts, winzes, shoots or sliding holes and any openings into a stope more than 10 feet deep below a drive and other dangerous openings, shall be provided with a permanent or removable barrier in order to prevent persons or things from falling into them. When a shaft, winze, rise or stope leads directly into a travelling road or place where persons are stationed at work, the traffic at such points shall be protected against danger from anything falling from above.

47. At every shaft station where it is necessary for persons to pass from one side of the shaft to the other, provision shall be made enabling them to do so without entering or crossing a winding compartment.

48. All ladders, ladderways, platforms, doors, fences and other appliances and things in use underground shall be maintained in proper repair. Temporary ladders, platforms, or other means of climbing or keeping a footing while at work shall be provided in sinks, winzes, rises, stopes and other places where they are needed.



49. Where any working is approaching any place containing or likely to contain a dangerous accumulation of water, the working shall not exceed 6 feet in width or height, and bore-holes shall be constantly kept at such a distance in advance of the face and at such angles from the working as is necessary to obviate the danger of a sudden breaking through of such water.

50. An adequate amount of ventilation shall be constantly produced in every mine to clear away smoke and to dilute and render harmless inflammable and noxious gases to such an extent that the working places of the shafts, levels, and workings of the mine, and the travelling roads to and from these working places shall be in a safe state for persons working or passing therein.

51. Underground workings and shafts, sumps and winzes which have been in disuse for some time shall be examined before again being used in order to ascertain whether foul air or other dangerous gases have accumulated therein, and also to ascertain the condition of the roof and sides; and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are certified to be in a safe state to work and travel in.

52. In any underground part of a mine where adequate stationary lights are not in use, every person shall carry a light.

53. No person shall work in any place other than a place in which he has been ordered to work by an official of the mine or by any person in whose charge he has been placed by an official of the mine.

## CHAPTER VII.

### LADDERWAYS.

54. In ladder-shafts making an angle of 25 degrees or less with the vertical, platforms shall be provided at intervals not exceeding 35 feet. Ladders shall be placed so as to cover the openings in the platforms: Provided that in cases where timber and supplies are handled, a portion of this opening may be to one side of the ladder and in the opposite corner of the platform. Except in respect of the lowest 30 feet of a sinking shaft, ladders shall be fixed at an inclination of not less than one foot horizontal for every 10 feet vertical: provided that where exceptional circumstances require they may, with the consent of an Inspector, be fixed at a steeper inclination.

55. In ladder-shafts where the slope is less than 65 degrees and more than 30 degrees with the horizontal, platforms shall be placed at intervals of not more than 55 feet along the underline or slope of the shaft.

56. All platforms shall be securely fenced.

57. All ladders shall be securely fastened to the sides of timbering of the shaft.

58. All ladders shall project at least three feet above the shaft-top and above every platform, or strong holdfasts shall be provided at these places in convenient positions.

59. A ladderway, which is a compartment of a shaft used also for other purposes, shall be closed off from the other compartments to such an extent as to prevent injury to workmen passing up and down the ladderway.

60. Every ladderway-opening in any travelling road or place where men are stationed or pass shall be provided with a door or with a substantial fence.

61. No person shall carry or be permitted to carry any drill, tool or any loose material on a ladderway in a vertical or steeply inclined shaft or winze, except so far as may be necessary in executing repairs :

Provided that nothing in this regulation shall prevent a person from carrying tools on a ladderway to a slope.

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## CHAPTER VIII.

### EXPLOSIVES.

62. The explosives provided for use in the mine shall be of good quality and, as far as can be practically known, in good condition, and only detonators of one strength and of sufficient power for every class of explosive used shall be kept for use in the same mine.

63. Explosives shall not be taken into or kept in a dwelling house, but only in a properly constructed magazine.

64. (1) Explosives shall not be stored underground in a mine except with the approval of an Inspector in writing, and in a magazine or magazines duly licensed in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

(2) The Manager shall appoint in writing a competent person or competent persons to be in charge of every magazine for the storage of explosives, and no person shall be in charge of a magazine without such written authority.

(3) Explosives shall be issued only to competent persons appointed by the manager or underground manager or foreman, and no unauthorised person shall have explosives in his possession. The names of such competent persons shall be registered in a book to be kept for the purpose.

(4) The person in charge of a magazine shall keep a correct record of the quantity of gunpowder and of the numbers of cartridges of other kinds of explosives and of detonators issued from the magazine to each authorized person, and a similar record of explosives returned to the magazine.

65. Underground magazines shall be placed at a sufficient distance from one another and from any portion of the mine, in which work is going on or which is used as a travelling road, to prevent the risk of injury to any person in the event of the explosion of the maximum amount of explosive stored.

66. The quantity of explosive which may be stored in an underground magazine shall not exceed the supply required for two working days in the mine in which the magazine is situated.

67. Detonators shall be kept in a securely locked box separate from any other explosive and no detonator shall be inserted into a priming cartridge until immediately before it is to be used :

Provided that, in the case of a wet working, priming cartridges may be prepared at the nearest convenient dry place adjacent to the working.

68. Every precaution shall be adopted to prevent the explosion or ignition of explosives stored in an underground magazine. The Chief Inspector may prescribe precautions to be adopted in addition to those required by the terms of the explosives licence.

69. No naked light shall be taken into an underground magazine or store.

70. Explosives shall not be sent down in the cage, skip or bucket unless there is a distinguishing mark attached to the cage, skip or bucket, or they are accompanied by a shot-firer or responsible person.

71. All blasting operations shall be conducted by or under the personal direction of duly competent persons, not less than 18 years of age, appointed by the manager, underground manager or foreman. The names of these persons shall be registered in a book to be kept for the purpose.

72. The number of shots fired, the quantity of explosives used and the number of shots (if any) which have misfired shall be recorded daily in a book to be kept for the purpose.

73. All unused explosives shall be returned to the magazine without delay. Such returned explosives shall be re-issued before fresh stock is used.

74. No explosives shall be taken into a mine except in a secure case, canister or bag containing not more than five pounds each, and a person shall not have in use or keep for use, at one time in any one place within the mine, more than one such case, canister or bag. The place in the mine at which any such case, canister or bag is in use, or is kept for use, shall, unless solid ground directly intervenes, not be less than thirty feet from a place at which any other such case, canister or bag is in use or kept for use :

Provided that the Chief Inspector may, in special cases and by order in writing, permit, subject to such limitations as he may prescribe, the use at one time in one place of more than one of such cases, canisters or bags :

Provided further that nothing in this regulation shall prohibit the conveyance of larger quantities of explosives for supplying an underground magazine.

75. When explosives are being carried on a ladder, each case, canister or bag shall be securely fastened to the person carrying it.

76. In the process of charging or stemming a hole no person shall use an iron or steel tool, scraper or tamping rod, nor shall he use undue force in pressing the explosive into the hole or strike it when at the bottom of the hole.

77. In any underground working place only those holes which are to be fired in the next round shall be charged, and the fuses in all holes which have been charged shall be ignited or detonated together.

78. Before a shot is fired in an underground working place due warning shall be given to persons in the vicinity, and every entrance to the place where a shot is about to be fired shall be guarded so as to prevent any person, not having received warning, from placing himself in dangerous proximity to the shot.

79. (1) When two underground working places have approached to within 10 feet of one another, no blasting shall be done in any one of such workings unless the workmen have been withdrawn from the other working, and the same has been fenced.

*Explanation.*—For the purpose of this sub-regulation any place to which workmen have lawful access shall be deemed to be a working place.

(2) In open workings blasting shall not be commenced until such warning as will prevent danger to the persons working in the mine and in its vicinity has been given by an efficient system of signals or by other means arranged by the manager. Notice shall similarly be given as soon as blasting is finished.

80. When shots are fired, the number of reports shall be counted by at least two persons. The lowest count shall be taken to be correct. Unless it is certain that all the shots have exploded, no person shall re-enter such working place until 30 minutes after blasting, unless the shot has been fired by electrical means when this interval may be reduced to not less than ten minutes after the source of the electricity has been disconnected from the cable, and the place becomes clear of fumes. If the charge is known to have burnt away without exploding no person shall re-enter the working place for an hour.

81. After a shot has been fired in an underground working place the person who fired the shot or a competent person appointed in writing by the manager of the mine shall before any other person enters the place, make a careful examination and with his assistants make the place safe. No other person shall enter the place until the examination has been made and the place has been declared to be safe in all respects.

82. No person shall bore out a hole that has once been charged or attempt to withdraw a charge either before firing or after a misfire, or deepen or tamper with empty holes or sockets left after blasting.

83. When a misfire occurs, a portion of the tamping may be sludged out with compressed air or water under pressure, but no kind of tool shall be used for this purpose. The hole shall thereafter be reprimed and fired.

84. No person, shall drill or cause or permit to be drilled any hole within 12 inches of a misfired hole, and care shall be taken to drill the

new hole in such a direction that there is no danger of touching the unexploded charge. The new hole shall be bored in the presence of an authorised shot-firer, and he shall be present during operations undertaken for the removal of debris lying within six feet of the misfired hole. A careful search amongst the debris shall be made for cartridges and detonators if any.

85. If a place where a misfire has occurred is temporarily vacated a man shall be posted to warn all persons in the neighbourhood of the fact, or the place shall be fenced so as to prevent access. In open workings it will be sufficient to mark the place of misfire with a red flag.

## CHAPTER IX.

### MISCELLANEOUS.

86. (1) Every flywheel and all exposed and dangerous parts of the machinery used in and about a mine shall be kept securely fenced.

(2) Where it is necessary to prevent danger to the public, every tank or reservoir shall be securely fenced.

87. Efficient guards shall be provided for such parts of any machinery and any electrical conductors as may be a source of danger.

88. If any person, when in charge of any machinery, apparatus or appliance used in or about a mine, observes any defect or dangerous flaw therein, he shall immediately report the fact to the manager, under-manager or engine-wright.

89. Every person shall strictly comply with all lawful orders issued by the manager or such other official as may be empowered by the manager to issue the same.

90. No person occupying any position of trust in or about a mine shall depute another person to do his work without the sanction of the official to whom he is subordinate; and no such person shall absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by a competent person.

91. No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or wilfully omit to do anything necessary for the safety of the mine or the persons employed therein.

92. No person shall damage, destroy or improperly interfere with any thing provided for or used in the working of the mine.

93. No person shall remove or pass through any fence, or remove or pass any danger-signal unless so specially authorised by the manager or an official empowered by the manager in that behalf.

94. No person occupying any position of trust in or about a mine shall sleep whilst on duty.

95. If any person required by these regulations or by any rule or bye-law made under the Act to make any report is unable to write, he shall be present when his report is written for him and shall have it read over to him, and shall attach his thumb mark to it. The person writing the report shall also sign his name at the end together with a statement that it has been read over to the person for whom it was written.

96. Whenever the circumstances at any mine or part of a mine are such as to render any provision of these regulations not reasonably applicable to such mine or part of such mine, the Chief Inspector may, at his discretion, grant exemption from such provision under such conditions as he may think fit.

## The Schedule.

## FORM I.

(See REGULATION 3)

*Annual return for the year ending on the 31st December 19*

1. Name of mine.
2. Postal address of mine.
3. Date of opening.
4. Date of closing (if closed).
5. Situation of mine { District.  
Province.
6. { Name of owner.  
Postal address of owner.
7. { Name of Managing Agents (if any).  
Postal address of Managing Agents (if any).
8. { Name of Agent (if any) as defined in section 3 (a) of the Indian  
Mines Act, 1923.  
Postal address of Agent.
9. { Name of Manager.  
Postal address of Manager.
10. Name of mineral worked.
11. Means by which the mineral is raised from the mine, i.e., hand-labour, mechanical or electrical power.

## FORM II.

[See REGULATION 3]

Persons employed during the year ending on 31st December 19 , and wages paid for work done in December 19 .

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 7 by the number of attendances in column 6
I.	2	3	4	5	6	7	8
A. Underground (i.e., in places lying beneath the super-jacent ground).							
I. Males :—							
Foremen and mates ..							
Miners ..							
Skilled labour not included above.							
Unskilled labour not included above.							
Total (males) ..							
II. Females							
B. Open workings (i.e., in workings of the mine (including quarries) which are not situated beneath the super-jacent ground).							
I. Males :—							
Foremen and mates ..							
Miners ..							
Skilled labour not included above.							
Unskilled labour not included above.							
Total (males) ..							
II. Females							





**FORM III**  
(See REGULATION 3)  
*Accidents and Prosecutions*

Number of separate accidents * reported during the year			Number of persons		Number of prosecutions instituted by the management, with the sections and rules under which the prosecutions were instituted	Number of persons convicted, with the sections and rules under which the convictions were obtained
Fatal	Serious	Total	Killed	Seriously injured		
1	2	3	4	5	6	7

\* Accidents which were reported as serious accidents but resulted fatally, should be entered as fatal accidents.

**FORM IV**  
(See REGULATION 3)  
*Epidemic Diseases*

Disease*	Date of appearance		Date of disappearance	Number of cases	Number of deaths
Cholera	..				
Plague	..				
Small-pox	..				
Influenza	..				

\* Figures for any other specified disease, which has been epidemic at the mine, should be entered in this form.

## FORM V

(See REGULATION 3)

(For mines other than mica mines)

*Type and aggregate horse-power of electrical apparatus*

1.—System of supply (whether continuous current or alternating current)—	..	..	..	..
Voltage of supply	..	..	..	..
Periodicity	..	.	..	..
Source of supply	..	..	..	..
2.—Voltage at which current is used for—			..	..
Lighting	..	..	..	..
Power	..	..	..	..
3.—Aggregate horse-power of motors installed on surface for—				
Winding	..	..	..	..
Ventilation	..	..	..	..
Haulage	..	..	..	..
Ore dressing	..	..	..	..
Miscellaneous	..	..	..	..
			Total horse-power	..
4.—Aggregate horse-power of motors installed under ground for—	..	..	..	..
Haulage	..	..	..	..
Pumping	..	..	..	..
Portable machinery	..	..	..	..
Miscellaneous	..	..	..	..
			Total horse-power	.
5.—Total horse-power (addition of 3 and 4)	..			..

**FORM VI**  
(See REGULATION 3)  
*Particulars of Explosives*

Explosives		
Name of explosive	Quantity used in lbs.	Number of detonators used

**FORM VII**  
(See REGULATION 3)  
(For Mica Mines only)

*Output for year ending on the 31st December 19*

Total amount of dressed mica raised	Total amount of dressed mica consigned	Total value at the time of mica consigned ("Value" means, and should be calculated upon actual or estimated selling price at the mine. Any charges incurred in transporting the mica outside the mine should not be included)
1	2	3
Cwts.	Cwts.	
Lbs.	Lbs.	

Signature of Owner, Agent or Manager,  
(If the form is signed by managing Agents the words "for owner" should be added.)  
Date of Signature.

## FORM VIII

(See REGULATION 3)

(For all mines except mica mines)  
*Output for year ending on the 31st December 19*

Name of mineral raised, and metal (if any) extracted.	Total amount of mineral raised. The figures should be stated— (a) in the case of gem-stones, in carats; (b) in the case of alum, amber, asbestos, graphite, jade-stone, steatite, tin-ore, tungsten-ore, in cwtss., or where the circumstances require greater particularisation in order to give an accurate estimate of small outputs, in cwtss. and lbs. Output of radio-active minerals and rare minerals such as molybdenite, monazite, pitchblende, samarskite, tantalite, triplite, should be returned in cwtss. and lbs. ; (c) in the case of clay, limestone, magnesite, marble, phosphatic rock, salt, slate, and other stone, and all metalliferous ores except those referred to in (b), in tons.	Total value at the mine of mineral raised. ("Value" means, and should be calculated upon actual or estimated selling price at the mine). Any charges incurred in transporting the mineral outside the mine property should not be included.	Quantity of metal or metals extracted at the mine. Each metal should be shown separately— (a) in the case of gold, silver and other precious metals, in Troy ounces; (b) in the case of tin in cwtss. and fractions of cwtss; (c) in the case of other metals, in tons and fractions of tons.	Value of metal or metals extracted at the mine. The value of each metal should be shown separately.
1	2	3	4	5
Total				

Signature of Owner, Agent or Manager  
(If the form is signed by a Managing Agent the words "for owner" should be added.)

Date of Signature.

**Correction Memorandum No. 2 to the Mines Manual,  
Bombay [Revised (Second) Edition], 1927.**

(1)

After page 307, insert the following Regulations :—

Regulations made by the Government of India under section 29 of the Indian Mines Act, 1923, for prohibiting the employment of women underground in mines (Notification of the Government of India, Department of Industries and Labour, No. M.-1055 dated 7th March 1929, republished under Government Notification, Revenue Department, No. S-18/6 dated the 12th idem.)

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), the Governor General in Council is pleased to make the following Regulations, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

*Regulations for prohibiting the employment of women underground  
in Mines.*

1. These regulations shall have effect from the 1st day of July 1929.
2. In these regulations—
  - (1) 'exempted mine' means—
    - (a) coal mines in Bengal, Bihar and Orissa and the Central Provinces ;
    - (b) salt mines in the Punjab ; and
  - (2) 'underground workings' means any part of a mine situated beneath the superjacent ground, and includes vertical shafts provided for access to, or for the ventilation of such part ; but does not include tunnels made and used only for convenience in disposing of spoil.
3. No woman shall be permitted to enter or remain in the underground workings of any mine other than an exempted mine, unless she is authorised in that behalf in writing by the Chief Inspector.
4. In an exempted mine—

**No. 53**

At the end of page 307, insert the following :—

"In pursuance of sub-regulation (1) of Regulation 15 of the Indian Metalliferous Mines Regulations, 1925, and in supersession of the notifications of the Government of India in the Department of Industries and Labour, No. M.-1055, dated the 15th December 1927, and No. M.-1055, dated the 21st June 1928, the Governor General in Council is pleased to direct that the provisions of Chapter II of the









may be a manager of more mines than one, provided that the size of such mines and the distance between them is not so great as to prevent him performing his duties thoroughly.

Where by reason of absence or for any other reason the manager is unable to perform his duties, the owner, agent or manager shall authorise in writing a competent person to act as manager of the mine for a period not exceeding one month and shall, without delay, send a written notice to the Chief Inspector stating the reason for the authorization, and the qualifications and experience of the person so authorised.

Regulation 21.

### SHAFTS AND OUTLETS.

11. Where any part of a mine is so situated that there is any danger whatever of an irruption of surface water into the mine adequate protection against such an irruption shall be provided and maintained.

Regulation 22.

12. At every mine where more than 20 persons are employed underground there shall be at least two shafts or outlets, not nearer to one another than 20 feet, affording separate means of ingress and egress to all persons employed in the mine.

Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts or outlets, and, if apparatus is necessary, it shall be kept constantly available for use.

Regulation 23.

13. Adequate stationary lights shall be provided and used during working hours :—

(1) at all places where persons have to work underground in the immediate vicinity of shafts ;

(2) after dark at the tops of all working shafts and at all winding engines used for raising and lowering persons.

### RAISING AND LOWERING PERSONS OR MATERIALS.

14. At shafts where persons are lowered or raised by mechanical power the winding apparatus shall be provided with :—

(a) one or more breaks on the drum shaft of sufficient power to hold the loaded cage skip or bucket at any point in the shaft ;

(b) a proper depth indicator if the shaft exceeds 100 feet in depth ;

(c) guides, if the shaft exceeds 150 feet in depth ;

(d) flangs or horns on the drum to prevent the rope slipping.

Cages shall be provided with tub-catches, rigid gates and hand bars and shall be covered in completely at the top and closed in at the sides sufficiently to prevent persons or things projecting beyond the sides.



from running away. Additional stop-blocks or runaway switches, or some other appliance for arresting or diverting the descent of wagons in the event of a runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of wagons. There shall also be provided and attached behind the ascending wagon or train of wagons a backstay, drag or other suitable contrivance for preventing the wagon or wagons from running back.

Regulation 35

37. All platforms shall be securely fenced.

Regulation 56.

38. All ladders shall be securely fastened to the sides or timbering of the shafts.

Regulation 57.

39. All ladders shall project at least three feet above the shaft-top and above every platform, or strong holdfasts shall be provided at these places in convenient positions.

Regulation 58.

40. If a ladderway is a compartment of a shaft which is used also for other purposes, it shall be closed off from the other compartments.

Regulation 59.

41. Every ladderway-opening in any travelling road or place where men are stationed or pass shall be provided with a door or with a substantial fence.

Regulation 60.

#### EXPLOSIVES.

42. Explosives shall not be taken into or kept in a dwelling house, but only in a properly constructed magazine.

Regulation 63.

43. Explosives shall be issued only to competent persons appointed in writing and the names of such persons shall be recorded in a book to be kept for the purpose. No unauthorized person shall have explosives in his possession.

Regulation 64.

44. Detonators shall be kept in a securely locked box separate from any other explosive, and no detonator shall be inserted into a priming cartridge until immediately before it is to be used.

Regulation 67.

45. All blasting operations shall be conducted by or under the personal direction of duly competent persons, not less than 18 years of age, appointed by the manager, underground manager or foreman. The names of these persons shall be registered in a book to be kept for the purpose.

Regulation 71.

46. The number of shots fired, the quantity of explosives used and the number of shots (if any) which have misfired shall be recorded daily in a book to be kept for the purpose.

47. All unused explosives shall be returned to the magazine without delay.

Regulation 72.

in a secure case.

FORM VIII  
(See REGULATION 3)  
(For all mines except mica mines)  
Output for year ending on



58. Where wagons are moved by hand no person shall permit a wagon to run uncontrolled.

Regulation 36.

59. No person shall ride upon any tub, truck or wagon either underground or above ground without the permission of the manager.

Regulation 37.

60. Every person shall carry a light where stationary lights are not provided underground.

Regulation 52.

61. No person shall work in any place other than a place in which he has been ordered to work.

Regulation 53.

62. No person shall carry any drill, tool or any loose material on any ladderway in a vertical or steeply inclined shaft or winze except on a ladderway to a stope.

Regulation 61.

63. No person shall deepen or tamper with empty holes or sockets left after blasting.

Regulation 82.

64. Every person shall strictly comply with all lawful orders issued by the manager.

Regulation 89.

65. No person shall damage, destroy or improperly interfere with anything provided for or used in the working of the mine.

Regulation 92.

66. No person shall remove or pass through any fence or remove or pass any danger signal, unless specially authorised to do so.

Regulation 93.

#### MISCELLANEOUS.

67. Every fly-wheel and all exposed and dangerous parts of the machinery shall be kept securely fenced.

Regulation 86.

68. Efficient guards shall be provided for such parts of any machinery and any electrical conductors as may be a source of danger.

Regulation 87.

## FORM IX

(See REGULATION 13)

*Notice of accident.*

FROM—

TO—THE CHIEF INSPECTOR OF MINES,

(Through the <sup>District</sup> Sub-Divisional Magistrate of.....)

Dated

19

SIR,

I have the honour to furnish the following particulars of

a fatal accidenta serious accidentan accidental explosion or ignitionan outbreak of firean irruption of water

which has occurred at the

Mine :—

1. Situation of the mine. (Village, Station,  
District, Province,).

2. Mineral worked.

3. Name and postal address of owner.

4. Name and sex of persons—

Killed	Injured	Age	Occupation

5. Date and hour of the occurrence.

6. Place of the occurrence.

7. Cause and description

8. Classification of accident.\*

9. Nature of injury, and if fatal cause of  
death.

I have the honour to be,

SIR,

Your most obedient servant,

*Owner.**Agent.**Manager.*

\* Under one or other of the following heads, namely :—

- (1) Explosions and ignitions of fire damp; (2) falls of roof; (3) falls of side; (4) in shafts (overwinding); (5) in shafts (ropes and chains breaking); (6) in shafts (while ascending or descending by machinery); (7) in shafts (falling down shaft); (8) in shafts (things falling down shaft); (9) in shafts (miscellaneous); (10) suffocation by gases; (11) by explosives; (12) irruptions of water; (13) haulage; (14) by underground machinery; (15) sundries under ground; (16) by surface machinery; (17) boilers or pipes bursting; (18) on surface railways or tramways belonging to the mines; (19) by electricity; (20) miscellaneous on the surface.





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RULES FRAMED BY THE GOVERNMENT OF BOMBAY  
UNDER SECTION 30 OF THE INDIAN MINES  
ACT, 1923.

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## REVENUE DEPARTMENT.

Bombay Castle, 6th September 1924.

No. 10029.—In exercise of the powers conferred by section 30 of the Indian Mines Act, 1923 (IV of 1923), and in supersession of Government Notification No. 2822/28 dated 10th April 1930.

**Correction Memorandum No. 4 to the Mines Manual, Bombay**

[Revised (Second) Edition. 1927]

## 49

After rule 1 on page 310 *insert* the following rule :—

“ 1-A. A Court of Inquiry appointed under section 21 of the Act shall, subject to the power of such Court to disallow any question which, in its opinion, is not relevant or is otherwise not a proper question, permit the following persons to attend and examine any witness, either in person or by counsel, solicitor, pleader or agent, namely :—

(i) a relative of any person whose death may have been caused by an accident with respect to which an inquiry is being held,

(ii) the owner, agent or manager of the mine in which the accident occurred,

(iii) any person appointed by an order in writing of the majority of the workmen employed at the said mine, and

(iv) any person appointed in writing by an association of workmen to which the deceased at the time of his death belonged, or by any association of employers of which the owner is a member, or by any association to which any official of, or workman employed in, the said mine belongs.”

(Government Notification No. 2822/28 dated 10th April 1930.)

(Correction Memorandum No. 4.)

2. *Supply of drinking water.*—At every mine a sufficient supply of wholesome drinking water shall be provided on the surface and if the Local Government so directs, in the case of any mine or class of mines, also below ground at points reasonably accessible to the persons employed thereon. Drinking water shall in all cases be supplied to employees free of cost.

3. *Underground workings and roads to be kept clean.*—At every mine where the Chief Inspector so directs arrangements shall be made for keeping all the underground workings and roads clean from *excreta*, and a sweeper or sweepers shall be appointed for the purpose.

4. *Provision for latrines and urinal accommodation.*—(1) At every mine latrine and urinal accommodation shall be provided on

the surface and, if the Governor in Council so directs in the case of any mine or class of mines, in the "underground" workings of the mine:

Provided that the Government may require that in lieu of latrines or urinals a certain area or areas may be marked off on the surface of the ground for use for this purpose.

(2) Every mine which has not been exempted under subsection (1) of section 46 shall be provided with latrine accommodation on the scale given below:—

					Scale.
Where the number of operatives does not exceed 20	...	...	...	...	1
Where the number of operatives exceeds 20 but does not exceed 35	...	...	...	...	2
Where the number of operatives exceeds 35 but does not exceed 50	...	...	...	...	3
Where the number of operatives exceeds 50 but does not exceed 150	...	...	...	...	4
Where the number of operatives exceeds 150 but does not exceed 200	...	...	...	...	5
Where the number of operatives exceeds 200	...	...	...	...	1 lat for every 50 or fraction of 50.

If females are employed, separate latrines screened from those of males and marked in the vernacular in conspicuous letters "for women only" shall be provided. Those for males shall be similarly marked "for men only."

5. *Construction of latrines.*—Every latrine erected on the surface for the use of the work-people of a mine shall be so partitioned off as to secure privacy, and if a latrine intended for the use of one sex adjoins a latrine intended for the use of the other sex, the approaches shall be separate.

6. *Latrines and urinal to be kept in sanitary condition.*—All latrines and urinals in or about a mine shall be kept in a sanitary condition. Receptacles shall be cleaned daily, and tarred inside and out at least once a year.

### CHAPTER III.

#### *Ambulance and First-aid Work.*

7. *Training in ambulance work.*—It shall be the duty of the owner, agent and manager of a mine to see that adequate arrangements are made for the training of men in ambulance work.

No. 39.

In rule 8 on pages 311 and 312 delete the word "underground" wherever it occurs and the proviso thereto.

be trained in ambulance work according to the sub-joined scale to the standard of St. John's First Aid Certificate:—

Where the number of persons employed ~~and~~ <sup>employed</sup> during any period of 24 hours—

does not exceed 100, not less than one person,

exceeds 100 but does not exceed 200, not less than two persons,

exceeds 200 but does not exceed 300, not less than three

persons,

exceeds 300 but does not exceed 400, not less than four persons,

exceeds 400 but does not exceed 500, not less than five persons,

exceeds 500, one person for every completed hundred of persons employed :

Provided that this rule shall not come into force until the 1st day of July 1927.) *Cancelled*

9. *Medical appliances.*—In or at every mine in respect of which section 18 of the Act applies, there shall be provided and kept in good condition and ready for immediate use at a convenient place on the surface and also, if the Chief Inspector or an Inspector so directs, in the case of any mine underground—

(a) a suitably constructed stretcher or stretchers, and

(b) a box or boxes containing sufficient supply of suitable splints and bandages, adhesive plaster, boric vaselene, cotton

#### **Correction Memorandum No. 5 to the Mines Manual, Bombay**

[Revised (Second) Edition], 1927

#### **No. 51**

After rule 10 on page 312, insert the following rule :—

“10A. *Form of notice report of hours of work.*—The notice required by section 23 B (1) of the Act shall be in the form of Schedule B and shall be posted outside the office of the mine in English and in the vernacular of the district concerned.”

(Govt. Notn. No. 4165/28 dated 11th August 1930.)

(Correction Memorandum No. 5.)

~~any mine retain in force as the end of the period of employment.~~

12. *Supervising staff.*—The following persons shall be deemed to be persons holding positions of supervision or management, or employed in a confidential capacity, within the meaning of section 24 of the Act :—

(a) any official in charge of any mine or part of a mine ;

(b) mechanical engineers or engine-wrights or electricians ;

(c) Surveyors ; and

(d) clerks, accountants and time-keepers.

#### **CHAPTER V.**

#### **Safety Provisions.**

13. *Fencing of dangerous places.*—Any place in or about an

securely fenced. Should any doubt arise as to whether a place is dangerous or not, the opinion of an Inspector or of the District Magistrate shall be conclusive on the point.

14. *Fencing of dangerous places near a public road or a dwelling house.*—Where an excavation, which is more than 10 feet deep and has been formed as the result of any mining operation, extends within fifty feet of a public road or dwelling house, substantial fencing shall be erected and maintained around the excavation adjacent to the road or dwelling.

15. *When surface area to be fenced.*—Where as a result of mining operations a subsidence of the surface has taken place, or is likely to take place, and persons are likely to be endangered thereby, the dangerous area shall be kept fenced on the surface.

16. *Fencing of mine when working thereof is discontinued.*—In the case of any mine which is abandoned or the working of which is discontinued, the owner, agent, or manager shall be bound, before the mine is finally abandoned, or immediately after the working thereof has been discontinued, to cause the top or entrance of every shaft and opening into a mine to be fenced by a structure of a permanent character sufficient to prevent persons inadvertently falling into or entering the shafts or openings.

## CHAPTER VI.

### Miscellaneous.

17. *Materials and appliances to be kept in stock.*—Sufficient materials and appliances shall be kept in stock for the proper carrying out of all necessary operations in a manner consonant with the provisions of the Act, regulations, rules and bye-laws.

18. *Prohibition of use of intoxicating drink or drug at a mine.*—No intoxicating drink or drug shall be kept or consumed in or at a mine without the consent of the manager, and no person in a state of intoxication shall enter or be allowed to remain in or about a mine.

19. *Plans, books, and copies of rules, etc., to be kept and produced on demand.*—All plans and books which are required to be kept under the regulations, these rules and bye-laws and the prescribed abstract of the Indian Mines Act, 1923, and of the regulations, rules and bye-laws applicable to the mine shall be kept at an office or other building as near as conveniently may be to and used in connection with the working of the mine, and shall be produced on the request of the Chief Inspector, or an Inspector, or any person authorized in that behalf by the Local Government.

20. *Originals of reports how long to be maintained.*—The originals, or true copies, of all reports made in conformity with the Act or with the regulations, rules or bye-laws shall be maintained at the mines for a period of twelve months after having been made.

21. \**Posting up of extracts from Act, Regulations, etc.*—There shall be kept posted up at or near every mine in English and in such vernacular or vernaculars as the District Magistrate may prescribe, copies of sections 10—12, 14—20, 22, 23—28 and 34—43 of the Indian Mines Act, 1923, and of rules under section 30 of the Indian Mines Act, 1923, made by the Local Government as amended from time to time. — *See p. 307 of Correction slip No. 5*

22. †*Copies of extracts, regulations, etc., not to be injured or defaced.*—No person shall pull down, injure or deface any abstract of the Indian Mines Act, 1923, or any copy of the regulations, rules or bye-laws made thereunder or of any abstract thereof which is

### No. 52

After Schedule A on page 314, insert the following Schedule :—

#### “ SCHEDULE B.

*Notice of commencement and end of work [section 23 B (1) of the Indian Mines Act, 1923].*

[See Rule 10A.]

Name of mine.....

Name of owners.....

It is hereby declared that persons employed in this mine shall begin and end their work or shifts of work between the hours set out below :—

Kind of worker	Hours of work or in case of shifts of 1st shift		Second Shift* if any		Third Shift* if any	
	Begins	Ends	Begins	Ends	Begins	Ends
	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>
	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>
	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>	<u>A.*M.</u> <u>P. M.</u>

Dated

193 .

Manager.

\* The words and letters not required should be scored out.

*Note.*—The work of persons employed below ground is to be reckoned from the time such persons leave the surface of the mine to the time when they finally return thereto at the end of work or of the shift.”

(Govt. Notn. No. 4165/28 dated 11th August 1930.)

(Correction Memorandum No. 5.)

† Rule No. 22 was amended by G. N. No. 849-24 dated 10th September 1925.

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## PART VI

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MISCELLANEOUS RULINGS, ORDERS, ETC.

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## REPORTS AND RETURNS.

(20)

On page 317 for the instructions regarding the submission of reports and statistics relating to mines to the Chief Inspector of Mines for the year ending his annual report under the Indian Mines Act, 1926, delete the following revised instructions:—

"The District Officers, instead of dividing their report into two sections—dealing separately with social and sanitary conditions of mines and miners and other matters—and sending them at different dates as hitherto, should prepare a complete report dealing with the subjects mentioned below and submit it through the proper channel to the local Government so as to reach the latter not later than the 1st March in each year, forwarding at the same time a duplicate copy to the Chief Inspector of Mines. In future the Chief Inspector of Mines will be solely responsible for statistics and will not communicate to the District Officers any corrections which he may make in the returns received from mine-owners. The District Officers should only append to their reports any figures or tables that they may regard as necessary to illustrate matters discussed in the reports. The local Governments should review the district officers' reports under all heads and forward their reviews to the Chief Inspector of Mines not later than the 15th April.

The District Officers' reports should deal with the following subjects in so far as these relate to mines and the mining areas:—

- (1) The supply of labour ;
- (2) Wages ;
- (3) Relations between labour and employers ;
- (4) The general health of the labourers ;
- (5) Sanitation and housing accommodation ;
- (6) Prices of food-stuffs and clothing ;
- (7) Education ;
- (8) Liquor consumption and its control ;
- (9) Crime and moral conditions ;
- (10) Accidents ;
- (11) Prosecutions for offences.

The revised procedure should be given effect to in preparing the reports for the year ending the 31st December 1927."

(Government of India, Department of Industries and Labour, letter No. M-428, dated 18th December 1927. Government Resolution No. 5388/24, dated 18th January 1928.)

(Correction Memo. No. 1.)

for forwarding a copy of the returns to the Director of the Geological Survey of India.

The period dealt with in these reports and returns should be the calendar year.

not later than 1st April forwarding at the same time to the

**BOMBAY [REVISED (SECOND) EDITION], 1927.**

*Note.*--22 correction slips have already been issued in Correction Memoranda Nos. 1 and 2, viz., 20 in Memorandum No. 1 and 2 in Memorandum No. 2. In future the numbering will be continuous.

**No. 23.**

On page 318 insert the following paragraph after the second paragraph:—

"All outputs of minerals including the lesser minerals such as limestone, clay, etc., raised in the Indian States in the Bombay Presidency irrespective of their values should be recorded in the accompanying form and the return sent to the Director of Industries who should forward it to the Director, Geological Survey of India, by the 15th of April each year."

*Statement showing the production of minerals in*

during the year 19 .

City or town or village.	Number of persons employed.	Average number of persons employed during year.	*Hours and wages.
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## No. 47.

On page 318 insert the following:—

*Note.*—The work in connection with mines and minerals has under the orders contained in Government Resolution No. 5097 dated 1 November 1929 been transferred from the Department of Agriculture to the Department of Industries.

(Correction Memorandum No. 3.)

[illegible]

\*Relating to deep mines and to quarries.

(Government of India, Foreign and Political Department, letters No. 1198-G dated 26th July 1921 and No. D-1130-G-28 dated 10th May 1928: Government Resolutions, Political Department, No. 6716 dated 6th/29th September 1921 and No. 5684 dated 9th June 1928 read with Government Resolution, Revenue. Department, No. 5097 dated 14th November 1929).

Correction Memorandum No. 8 to the Mines Manual, Bombay [Revised (Second) Edition], 1927.

No. 57.

the form of statement at page 319, substitute the following :—

*Statement of Prospecting Licenses and Mining Leases granted during the year ending the 31st December 19 .*

Sl. No.	Name of district, taluk or tahuk and of village or villages.	Name of applicant.	Minerals	Nature of grant, i.e., mining lease or prospecting license.	Area.	Date of commencement of the lease or license.	Duration of the lease or license.	Dead rent per annum.	Rate of	
									*Surface rent per acre per annum or percentage fee per annum.	Royalty per annum.
1	2	3	4	5	6	7	8	9	10	11

*Instructions.*—1. Entries should be arranged in order of date of application.

2. The numbers in column 1 should run consecutively throughout the statement.

3. In column 5, the letters P.L. and M.L. may be used to indicate a prospecting license and mining lease respectively. With effect from the statement for the year 1932, the name of the village or villages over which the concession runs should be included in the entry in column 2.

is column.

The original sub-heading was amended by Government of India, C. & L., No. 197-D., dated 19th November 1919; Government Order, No. 14490, dated 9th December 1919.

etc.—If a remark of some importance is necessary such remark should be shown in the form of a foot note. Government of India, Department of Industries and Labour, letter, No. M. 1170, dated 19th March 1932.)

((Correction memorandum No. 8.)

It is inadvisable to employ in these returns the terms "iron", "iron-stone", "iron-ore", "hæmatite", "oxide of iron" or "ferric oxide" for material to be used as paints or colour-washes. The term "ochre" may be used instead of or in conjunction with these terms. (G. I., Industries Department, letter No. M-48/11, dated 18th May 1921 : G. M. No. C-1594, dated 6th June 1921.)

*Monthly Return of gold production.*

Collectors should furnish information for their districts, in the following form, every month to the Director of Agriculture, who should prepare a consolidated return for the Presidency and forward it to the Director of the Geological Survey, submitting a copy of it to Government :—

*Quantity and value of gold extracted from the mines in  
during the month of 19 , and in the six months  
to 19 .*

		Month of	Six months to 19 .
Quantity, ozs.	...	...	
Value, Rupees	...	...	

(G. R. No. 1234, dated 6th February 1914.)

In exercise of the powers conferred on Local Governments by section 18 of the Indian Mines Act, 1923 (regarding the supply of ambulances, stretchers and medical appliances in mines), it has been directed in G. N. No. 5267-24, dated 1st April 1926, that the provisions of that section should apply to the manganese mines in the Southern Division of the Bombay Presidency from the date of the notification.

*Royal Warrant pertaining to the award of the Edward Medal for  
heroic acts performed by miners, etc.*

The following Royal Warrant is published for general information, in supersession of the Royal Warrants published with the Resolutions in this Department (G. I., H. D.) No. 10724-10740-246,\* dated the 18th December 1907, and No. 1605-1626-31,† dated the 3rd March 1910 :—

GEORGE R. I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to all to whom these Presents shall come, Greeting !

WHEREAS His late Majesty King Edward VII, being desirous of distinguishing by some mark of His Royal Favour the many heroic acts performed by those of His faithful subjects who endanger their own lives in saving or endeavouring to save the lives of others

\* Republished at pages 4 and 5 of Part I of the *Bombay Government Gazette*, dated 2nd January 1908.

† Republished at page 363 of Part I of the *Bombay Government Gazette*, dated 10th March 1910.

from perils incurred in mines or quarries or otherwise in connection with Industrial Employment in His Dominions and in Territories under His protection and jurisdiction, did by Warrants under His Sign Manual bearing date respectively the 13th July 1907, and the 1st December 1909, for Himself His Heirs and Successors institute and create a new Medal to be entitled the Edward Medal to be awarded for such acts of gallantry:

And whereas We are desirous of amending the rules governing the award of the said Decoration and of consolidating the Royal Warrants relating to the said Decoration, We are graciously pleased to make, ordain and establish the following Rules for the governance of the said Decoration:

1. It is ordained that the Medal shall be styled 'The Edward Medal', but when it is awarded for acts of such great and exceptional gallantry as to merit a special degree of recognition it shall be styled 'The Edward Medal in Silver'.

2. It is ordained that the Edward Medal shall consist of a circular Medal with Our Effigy on the obverse, and on the reverse a suitable design with the words 'For Courage'; and that the Medal shall be of Bronze or, when the Edward Medal in Silver is awarded, of Silver.

3. It is ordained that the Edward Medal shall only be awarded to those of Our faithful subjects who endanger their own lives in saving or endeavouring to save the lives of others from perils incurred in connection with Industrial Employment in these Our Dominions, and in Territories under Our protection or jurisdiction, and such awards shall be made only on a recommendation to us by Our Principal Secretary of State for the Home Department.

4. It is ordained that the names of those upon whom We may be pleased to confer either of these Decorations shall be published in the *London Gazette*, and that a Register thereof shall be kept in the Office of Our Principal Secretary of State for the Home Department.

5. It is ordained that each Medal shall be suspended from the left breast, and the riband, of an inch and three-eighths in width, shall be dark blue with a narrow yellow stripe on either side: Provided that when the Medal is awarded to a woman it shall be worn on the left shoulder, suspended from a riband of the same width and colour fashioned into a bow.

6. It is ordained that any act of gallantry which is worthy of recognition by the award of the Edward Medal, but is performed by one upon whom the Decoration has already been conferred may, on a recommendation to Us by Our Principal Secretary of State for the Home Department, be recorded by a Bar attached to the riband by which the Medal is suspended; and for ever such additional act an additional Bar may be added.

7. In order to make such provision as shall effectually preserve pure these most honourable Decorations, it is ordained that if any person on whom either of such Decorations is conferred be guilty of any crime or disgraceful conduct which, in Our judgment, disqualifies

him for the same, his name shall, by a special Warrant under Our Royal Sign Manual, be forthwith erased from the Register of those upon whom the said Decoration shall have been conferred and his Medal shall be forfeited. And every person to whom the said Medal is given shall, before receiving the same, enter into an agreement to return the same, if his name shall be so erased as aforesaid under this regulation. It is hereby further declared that We, Our Heirs and Successors, shall be the sole judges of the circumstances demanding such forfeiture. Moreover, We shall at all times have power to regrant a Medal to any person whose Medal may at any time have been forfeited.

8. The Warrants of the 13th July 1907, and 1st December 1909, are hereby revoked.

Given at Our Court at Saint James', this Twenty-eighth day of August One thousand nine hundred and seventeen, in the Eighth year of Our Reign.

By His Majesty's Command,

GEO. CAVE.

(G. I., C. & I., Resolution No. 13210, dated the 30th October 1917, republished in G. N. No. 84, dated the 3rd January 1918.)

The Indian Explosives Rules (framed under the Indian Explosives Act) were drafted so as to allow persons engaged in mining operations necessitating the regular use of explosives in small quantities to take out licenses in Form E appended to those rules. There is no objection to the grant of licenses in Form E in such cases provided the licensee can show that the explosives are required *bona-fide* for blasting purposes (G. I., C. & I., letter No. 4059, dated 27th May 1918: G. O., G. D., No. 4528, dated 1st July 1918).

*Notice to Candidates for First and Second Class Certificates  
of Competency of the Board of Mining Examinations,  
United Kingdom.*

(1) The Board for Mining Examinations desire to remind intending Candidates for First or Second Class Certificates that the Rules require that:—

(a) Candidates who have obtained an approved Degree or Diploma in Mining must have had three years' practical experience at a mine or mines, of which more than  $1\frac{1}{2}$  years must have been—

“(1) Actual practical work at the working face and other parts of the under-ground workings of the mine, or (2) direct supervision and direction of such work, or (3) in both (1) and (2).”

- (b) Candidates who have not obtained an approved Degree or Diploma must have had five years' practical experience, of which more than  $2\frac{1}{2}$  years must have been in "actual practical work" as defined above, or in direct supervision of such work.

(2) Although it is the Board's practice to decide each application on its merits, they consider it desirable to inform intending Candidates that the following under-ground duties rank as "actual practical work" required for the greater part of the five years (or three years in the case of an approved Degree or Diploma as distinct from the practical experience required for the remainder of the period :—

- (a) Overman (if in a responsible position between the manager or under-manager and the fireman as defined by No. 47 of the General Regulations made under the Coal Mines Act, 1911) ;
- (b) Fireman, Deputy or Examiner [if complying with Section 15 (1) of the Coal Mines Act, 1911] ;
- (c) Shotfirer ;
- (d) Coal Hewer or Filler (Collier) ;
- (e) Employment on coal cutting or conveyor faces ;
- (f) Shifter, Brusher or Detailer ;
- (g) Timberer ;
- (h) Stoneman ;
- (i) Haulage worker (provided that only a small portion of the period is spent in this manner).

(3) The following duties count towards the remainder of the period, but not as part of the "actual practical work" for the greater part of the five (or three) years required by the Rules :—

- (a) Travelling pit in the company of an official ;
- (b) Surveyor ;
- (c) Member of a gob fire squad ;
- (d) Measuring Ventilation and examining airways ;
- (e) Taking samples of road dust and of mine air ;
- (f) Examining and reporting on compressed air mains or electrical distribution system ;
- (g) Rescue worker.

(4) It must be understood, however, that a Candidate's prospects of acceptance will be enhanced if the greater part of his time has been spent at the coal face, particularly in the actual getting of coal or in direct and responsible supervision thereof.

(5) Although a Mining Student or Apprentice need not have performed manual labour, he must have had responsible supervisory charge of such labour, as chargeman, deputy, overman, etc. He is, however, strongly advised to undertake actual manual labour for a portion of the time.



(6) Under-ground duties not specified above will not necessarily, however, be disregarded by the Board, which, as already stated, decides each application upon its merits.

(7) Candidates should furnish precise details of their actual duties and responsibilities when occupying such indefinite positions as "Assisting the Manager", "Assistant Overman", "Assistant Fireman," "Repairer", etc. It is essential in such cases that definite and detailed information should be given showing to what extent the time was spent at the working face and to what official the Candidate was directly responsible. All information must be verified by the Manager in Form II.

(8) Mining experience obtained abroad is not accepted by the Board, save in very exceptional circumstances, and experience obtained on the surface does not count towards the qualifying period.

*Note*—Provided that a period of five years from release from the colours has not expired, a Candidate applying under the Rules governing entries from War Service Candidate is admissible to sit for examination if he had (a) coal mining experience in Great Britain before joining His Majesty's Forces during the Recent European War, (b) at least one year's service with such Forces, and (c) at least three years' (or two years if the holder of an approved Degree or Diploma) practical experience in mining, of which at least 1½ years must have been actual practical work such as is indicated above. Material experience at the working face is essential.

*Rules made by the Board for Mining Examinations, United Kingdom, and approved by the Secretary of State, August 29th, 1919, under Section 9 (2) of the Coal Mines Act, 1911 (1 and 2 Geo. 5, c. 50), as to the qualifications of Applicants for First and Second Class Certificates of Competency.*

The following Rules are hereby substituted for those made by the Board on the 30th July 1912, 9th September 1913 and 24th January 1919 :—

1. A candidate must be at least 23 years of age and must produce testimonials, on the forms provided for the purpose, as to sobriety, experience and general good conduct.

2. Candidates for First and Second Class certificates must produce (1) a First Aid Certificate of the St. John Ambulance or the St. Andrew's Ambulance Association, or other Society or Body approved by the Secretary of State, and (2) a Fireman's certificate as required under Section 15 (1) (b) of the Coal Mines Act, 1911.

3. A candidate shall have had practical experience in mining for a period of not less than five years, or (in the case of a candidate who has received an approved diploma or taken an approved degree) of not less than three years; and the nature of the practical experience required of a candidate shall be experience gained in one or other of the following capacities in a mine under the Coal Mines Act, or partly such experience and partly experience gained in a Colonial or Foreign Mine which may be considered by the Board to be equivalent :—

- (a) As a fireman, deputy or examiner, or other under-ground official of a mine, or as an under-ground workman of a

mine, provided he has had direct practical experience in the work of getting minerals, and of stone work, timbering and repairing. A mine surveyor will not be regarded as an under-ground official for the purposes of this Rule.

- (b) As a mining apprentice or mining student, provided he has been engaged for more than half of the 5 or 3 years, as the case may be—

(1) In actual practical work (exclusive of the work of mine surveying) at the working face and other parts of the under-ground workings of the mine; or

(2) In direct supervision and direction of such work; or

(3) In both (1) and (2).

Any experience gained by such apprentice or student in mine-surveying will only be allowed to count towards the remainder of the period.

- (c) As a mining student, provided that such experience shall only be counted if the candidate has had experience for more than half of the 5 years, as the case may be, in one of the capacities mentioned in (b), (1), (2) and (3).

A candidate, part of whose practical experience has been gained in a Colonial or Foreign Mine, must submit full particulars of such experience for the consideration of the Board.

A candidate for a first-class certificate must satisfy the examiners in a knowledge of fiery mines.

4. A candidate for a first-class certificate must possess such a knowledge of arithmetic, mathematics, physics (including electricity), chemistry, geology, and engineering science as will enable him to answer properly questions on the subjects in the following syllabus :—

(a) For First Class Certificates :

(i) *Winning and Working*.—First-class knowledge of laying out and working, under varying circumstances, of coal and other stratified deposits included under the Coal Mines Act. The geology of these deposits. Methods of supporting roof and of sinking and sinking. Blasting and general knowledge of explosives.

(ii) *Theory and Practice of Ventilation*.—The identification and practical estimation of gases met with in mines. Sources and effects of heat in mines. Natural ventilation, fans and other ventilators. The distribution and control of the air under-ground. Construction, use and testing of safety lamps.

(iii) *Explosions in Mines, Under-ground Fires and Inundations, their Causes and Prevention*.—Coal dust. Spontaneous heating. Rescue operations, apparatus and organisation. Recovery of mines after explosions, fires and inundations.

(iv) *Machinery*.—Winding, hauling, pumping, mechanical coal-cutting and conveyors, etc. Methods of transmission of power. Strength of materials.

(v) *Surveying, Levelling and Drawing*.—Determination of magnetic declination. Loose and last needle dialling. Calculation of areas and volumes. Contour lines and levelling. Traversing with the theodolite under-ground and on the surface. Connecting of surface and under-ground surveys. Triangulation. Mine plans and sections. The use, care and testing of instruments.

Each candidate must produce a plan of a Mine Survey and a Section prepared from an under-ground levelling made and drawn by himself with the original plottings and the notes from which the plottings have been made, and the work must be certified by him as having been carried out by himself. The plan and section prepared from an under-ground levelling must have been made and drawn not more than twelve months before the date of the examination.

(vi) *General Management and Mining Legislation*.—Organisation and surface arrangements under varying circumstances. Mines Acts. General and special regulations or orders and other legislation applicable to mines under the Coal Mines Act.

(b) For Second Class Certificates.

The questions set in each of the undermentioned subjects for second-class certificates shall be of a nature suitable for practical working miners.

(i) Systems of laying out and working, under varying circumstances, of coal and other stratified deposits included under the Coal Mines Act. Methods of supporting roof and sides. Boring against old workings. Shot firing.

(ii) Ventilation, the properties, identification and practical estimation of gases met with in mines. Natural ventilation, fans and other ventilators. The distribution and control of the air under-ground. Construction, use and testing of safety lamps.

(iii) Explosions in mines, under-ground fires and inundations, their causes and prevention. Coal dust. Spontaneous heating. Rescue operations, apparatus and organisation.

(iv) Machinery and plant in common use in a colliery, including the use of electricity, and with special reference to safety.

(v) Arithmetic (simple rules). Elementary surveying and levelling.

(vi) Mines Act. General and special regulations and orders. Writing of reports.

Candidates for first and second class certificates will, in the *viva voce* examination, be required to display a detailed knowledge of practical methods of mining in the Division in which they are being examined.

5. A candidate for a first-class certificate of competency must qualify in each of the subjects for the first-class examination, and must obtain 40 per cent. of the maximum marks obtainable for each paper, 40 per cent. of the maximum marks obtainable for the oral

examination, and 60 per cent. on the whole examination (written and oral), to qualify :—

	Maximum marks obtainable for each paper.
1. Winning and working ... ..	250
2. Theory and practice of ventilation ... ..	200
3. Explosions in mines, under-ground fires and inundations ... ..	130
4. Machinery ... ..	150
5. Surveying, levelling and drawing ... ..	140
6. General management and mining legislation ... ..	130
<b>Total ...</b>	<b>1,000</b>

Maximum marks obtainable for the oral  
examination for candidates for first-class  
certificates ... .. 400

A candidate for a second-class certificate of competency must qualify in each of the subjects for the second-class examination, and must obtain 40 per cent. of the maximum marks obtainable for each paper, 40 per cent. of the maximum marks obtainable for the oral examination, and 60 per cent. on the whole examination (written and oral), to qualify :—

	Maximum marks obtainable for each paper.
1. Systems of laying out and working coal, etc. ... ..	300
2. Ventilation ... ..	300
3. Explosions in mines, under-ground fires and inundations ... ..	100
4. Machinery ... ..	100
5. Arithmetic and elementary surveying and levelling ... ..	100
6. Mines Act, general and special regula- tions, etc. ... ..	100
<b>Total ...</b>	<b>1,000</b>

Maximum marks obtainable for the oral  
examination for candidates for second-  
class certificates ... .. 600

20th August 1919.

R. A. S. REDMAYNE,  
Chairman.

I hereby approve the foregoing Rules.

EDWARD SHORTT,  
One of His Majesty's Principal  
Secretaries of State.

(Letter from the office of the High Commissioner for India,  
London, No. I.S.-225/1 dated 7th March 1925.)

BOARD FOR MINING EXAMINATIONS (MINES DEPARTMENT),  
UNITED KINGDOM.

Coal Mines Act, 1911, Section 9 (6).

MINING INDUSTRY ACT.

*List of Institutions approved by the Board of Trade.*

Name of Institution and Degree or Diploma.	Date of approval.
Armstrong College in respect of its Diploma in Mining ... ..	29th June 1904.
Birmingham University in respect of its Degree of B.Sc. in Mining and Diploma in Mining ... ..	11th June 1904.
Durham University in respect of its Degree of B.Sc. in Mining ... ..	21st December 1903.
Durham University in respect of its Honours Degree of B.Sc. in Mining Engineering ...	13th March 1919.
Edinburgh University in respect of its Degree of B.Sc. and D.Sc. in Mining and Metallurgy ... ..	7th September 1921.
Glasgow University in respect of its Degree and Diploma in Mining ... ..	28th September 1904.
Glasgow and West of Scotland Technical College in respect of its Diploma in Mining.	28th June 1904.
Heriot-Watt College in respect of its Certificate in Mining Engineering ... ..	16th January 1908.
Heriot-Watt College in respect of its Diploma in Mining Engineering ... ..	7th March 1911.
Leeds University in respect of its Degree of B.Sc. in Mining and Diploma in Mining...	21st November 1904.
London University in respect of its B.Sc. Degree in Mining for Internal Students, subject to the Degree being endorsed by the University with a certificate of four months' practical experience in a mine ...	9th June 1905.
London University in respect of its Degree of B.Sc. in Mining for External Students ...	7th August 1906.
Manchester, Victoria University in respect of its Degree and Certificate in Mining ...	14th February 1906.
Nottingham University College in respect of its Diploma of Mining Engineering ...	28th March 1906.
Oxford University and Birmingham University in respect of the Diploma in Coal Mining which is granted by the two Universities jointly ... ..	24th May 1921.

(On page 329 insert the following:—

*Recovery from Government Departments, railways and local bodies of fees for the extraction of mineral products from forest areas in the Bombay Presidency.*

In partial modification of the orders contained in Government Resolutions No. 5792 dated 3rd August 1897 and No. 2382 dated 7th March 1912, it has been decided that the departments of the Government of India and of other local Governments shall be charged for the extraction of mineral products from forests in the Bombay Presidency. The rate of royalty will be the same as that levied on removals of minerals by private agency. Minerals in forests removed by contractors working on behalf of departments of other Governments (including the Government of India) will be treated in the same way. These orders do not apply to the departments working under the Government of Bombay and no recovery will be made from them for the removal of minerals from forests.

The concession granted to Local Boards and Municipalities in Government Resolutions No. 1802 dated 28th March 1881 and No. 6139 dated 6th September 1882 exempting them from the payment of fees for stone obtained for public purposes from quarries situated in lands included within reserved forests will continue.

The concession granted in Government Resolution No. 5397 dated 10th June 1914 to contractors working on behalf of Local Boards of extracting, free of charge, from Government forests and waste lands materials required for Local Board works executed through the Public Works Department will also continue.

In modification of the orders in Government Resolutions, Public Works Department (Railway), No. 1337 dated 30th April 1902 and No. 2298 dated 27th June 1907 foregoing the recovery of royalties or fees on material removed by the G. I. P. and B. B. and C. I. Railways respectively from lands included in reserved forests for works within the limits of the Bombay Presidency when the material was removed departmentally by the Railway authorities, Government have decided

that the State managed Railways and the B. B. and C. I. Railway shall be charged the usual royalty for the extraction of mineral products from lands included in reserved forests.

(Government of India, Department of Education, Health and Lands, letter No. 295-F dated 3rd March 1927: Government Resolution No. 8478/24 dated 14th June 1929.)

(Correction Memorandum No. 3.)

## CHRONOLOGICAL INDEX

to G. R.'s, etc., quoted and summarised in the Manual.

(G. R. = Government Resolution, Revenue Department; G. R., P. D. = Government Resolution, Political Department; G. O. = Government Order, Revenue Department; G. N. = Government Notification, Revenue Department; G. C. = Government Circular, Revenue Department; L. R. = Remembrancer of Legal Affairs; G. M. = Government memorandum, Revenue Department; G. L. = Government letter, Revenue Department.)

G. R., etc.	Page No.	G. R., etc.	Page No.
<i>1879</i>		<i>1902—contd.</i>	
G. R. No. 6688 dated 15th December.	151	G. R. No. 878 dated 18th January.	174, 221
<i>1894</i>		G. R. No. 2918 dated 30th April.	240
G. R. No. 7462 dated 7th September.	101	G. R. No. 3211 dated 9th May.	152, 205
<i>1897</i>		G. R. No. 4397 dated 28th June.	155
G. R. No. 8028 dated 4th November.	205	G. R. No. 5568 dated 11th August.	155
<i>1898</i>		G. R., P. D., No. 6089 dated 19th August.	318
G. R. No. 5096 dated 6th August.	151	<i>1903</i>	
<i>1899</i>		G. R. No. 4274 dated 1st July.	318
G. N. No. 3356 dated 2nd June.	139	G. R. No. 4709 dated 15th July.	318
G. R. No. 4171 dated 17th June.	155, 178, 205	G. R., P. D., No. 6224 dated 17th September.	318
G. R. No. 8615 dated 1st December.	155	G. R. No. 8513 dated 3rd December.	176
<i>1900</i>		<i>1904</i>	
G. R. No. 2625 dated 26th April.	205	L. R. No. 1712 dated 28th July.	164
G. R. No. 6706 dated 26th October.	162	G. R. No. 6378 dated 17th August.	168
<i>1901</i>		G. R. No. 9873 dated 5th December.	158
G. R. No. 3230 dated 13th May.	98, 105	<i>1905</i>	
G. R. No. 4494 dated 28th June.	135	G. R. No. 2204 dated 4th April.	318
G. R. No. 5826 dated 16th August.	152	G. R. No. 3209 dated 18th April.	173
G. R. No. 6182 dated 3rd September.	173	G. R. No. 3212—74—Conf. dated 18th April.	178
G. R. No. 7591 dated 29th October.	318	G. R. No. 6770 dated 22nd August.	318
<i>1902</i>		G. R. No. 7435 dated 15th September.	165
G. R. No. 828 dated 16th January.	318	G. R. No. 6103 dated 27th September.	318
		<i>1906</i>	
		G. R. No. 1895 dated 12th February.	154
		G. R. No. 3195 dated 29th March.	178
		G. R. No. 3254 dated 30th March.	169

G. R., etc.	Page No.	G. R., etc.	Page No.
<i>1906—contd.</i>		<i>1911</i>	
G. R. No. 3676 dated 12th April.	101	G. R. No. 5147 dated 22nd May	205
		G. N. No. 8329 dated 1st September.	310
<i>1907</i>		<i>1912</i>	
G. R. No. 86 dated 5th January.	166	G. R. No. 3447 dated 10th April.	163
G. R. No. 87 dated 5th January.	167	G. R. No. 5520 dated 11th June.	154, 318
G. R. No. 4523 dated 3rd May.	154, 156		
G. R. No. 5224 dated 22nd May.	158	<i>1913</i>	
G. R. No. 5758 dated 8th June.	173	G. R. No. 1123 dated 5th February.	176
G. R. No. 10414 dated 23rd October.	155	G. N. No. 8658 dated 23rd September.	139
G. R. No. 10457 dated 23rd October.	154, 156	G. R. No. 3270 dated 6th December.	145
G. R. No. 11196 dated 16th November.	318	G. R. No. 11393 dated 16th December.	145, 149, 150, 159, 163, 167, 182
G. R. No. 11464 dated 22nd November.	162, 167	<i>1914</i>	
G. R. No. 11543 dated 25th November.	150, 167	G. R. No. 1234 dated 6th February.	320
G. R. No. 11754 dated 20th November.	175	G. R. No. 1462 dated 14th February.	139, 161, 174
<i>1908</i>		G. R. No. 2671 dated 23rd March.	318
G. R., P. D., No. 720 dated 28th January.	160, 167	G. L. No. 4538 dated 11th May.	193
G. R. No. 1887 dated 10th February.	183	G. R. No. 5100 dated 1st June.	117, 118
G. R. No. 2951 dated 20th March.	178	G. R. No. 5798 dated 23rd June.	153
G. R. No. 5561 dated 4th June.	158	G. R. No. 6060 dated 30th June.	168
G. L. No. 7083 dated 13th July.	135	G. R. No. 9470 dated 6th October.	225
G. R. No. 7442 dated 21st July.	211	<i>1915</i>	
G. R. No. 7769 dated 30th July.	183	G. N. No. 755 dated 21st January.	140, 150
<i>1909</i>		G. O. No. 2130 dated 20th February.	180
G. N. No. 820 dated 12th January.	310	G. O. No. 2277 dated 24th February.	205
G. O., P. D., No. 1108 dated 12th January.	159	G. O. No. 5141 dated 8th May.	144, 145
G. R. No. 4249 dated 3rd May.	160, 207, 208, 209	<i>1916</i>	
G. R. No. 10042 dated 16th October.	161	G. O. No. 5056 dated 15th May.	140
G. R. No. 11138 dated 17th November.	240	G. O. No. 8069 dated 17th August.	205
<i>1910</i>		<i>1917</i>	
G. R. No. 7545 dated 22nd August.	208, 223	G. O. No. 770 dated 22nd January.	148
G. R. No. 7586 dated 23rd August.	318	G. O. No. 2072 dated 21st February.	140, 149, 163, 178, 204
G. R. No. 11828 dated 12th December.	168	G. O. No. 6214 dated 18th May.	174
		G. O. No. 6849 dated 5th June.	140



## CHRONOLOGICAL INDEX

to G. R.'s, etc., quoted and summarised in the Manual.

(G. R. = Government Resolution, Revenue Department; G. R., P. D. = Government Resolution, Political Department; G. O. = Government Order, Revenue Department; G. N. = Government Notification, Revenue Department; G. C. = Government Circular, Revenue Department; L. R. = Remembrancer of Legal Affairs; G. M. = Government memorandum, Revenue Department; G. L. = Government letter, Revenue Department.)

G. R., etc.	Page No.	G. R., etc.	Page No.
<i>1879</i>		<i>1902—contd.</i>	
G. R. No. 6688 dated 15th December.	151	G. R. No. 378 dated 18th January.	174, 221
<i>1894</i>		G. R. No. 2913 dated 30th April.	240
G. R. No. 7462 dated 7th September.	101	G. R. No. 3211 dated 9th May.	152, 205
<i>1897</i>		G. R. No. 4397 dated 28th June.	155
G. R. No. 8028 dated 4th November.	205	G. R. No. 5563 dated 11th August.	155
<i>1898</i>		G. R., P. D., No. 6089 dated 19th August.	318
G. R. No. 5096 dated 6th August.	151	<i>1903</i>	
<i>1899</i>		G. R. No. 4274 dated 1st July.	318
G. N. No. 3356 dated 2nd June.	139	G. R. No. 4709 dated 15th July.	318
G. R. No. 4171 dated 17th June.	155, 173, 205	G. R., P. D., No. 6224 dated 17th September.	318
G. R. No. 8615 dated 1st December.	155	G. R. No. 8513 dated 3rd December.	176
<i>1900</i>		<i>1904</i>	
G. R. No. 2625 dated 26th April.	205	L. R. No. 1712 dated 28th July.	164
G. R. No. 6706 dated 26th October.	162	G. R. No. 6378 dated 17th August.	163
<i>1901</i>		G. R. No. 9373 dated 5th December.	158
G. R. No. 3280 dated 18th May.	98, 105	<i>1905</i>	
G. R. No. 4494 dated 28th June.	185	G. R. No. 2204 dated 4th April.	318
G. R. No. 5826 dated 16th August.	152	G. R. No. 3209 dated 18th April.	173
G. R. No. 6182 dated 3rd September.	173	G. R. No. 3212—74—Conf. dated 18th April.	178
G. R. No. 7591 dated 29th October.	318	G. R. No. 6770 dated 22nd August.	318
<i>1902</i>		G. R. No. 7425 dated 15th September.	165
G. R. No. 323 dated 16th January.	318	G. R. No. 6103 dated 27th September.	318
		<i>1906</i>	
		G. R. No. 1395 dated 12th February.	154
		G. R. No. 3195 dated 29th March.	178
		G. R. No. 3254 dated 30th March.	169

G. R., etc.	Page No.	G. R., etc.	Page No.
<i>1906—contd.</i>		<i>1911</i>	
G. R. No. 3676 dated 12th April.	101	G. R. No. 5147 dated 29th May.	205
		G. N. No. 8329 dated 5th September.	310
<i>1907</i>		<i>1912</i>	
G. R. No. 86 dated 5th January.	166	G. R. No. 3147 dated 10th April.	168
G. R. No. 87 dated 5th January.	167	G. R. No. 5520 dated 11th June.	154, 318
G. R. No. 4523 dated 3rd May.	154, 156		
G. R. No. 5224 dated 22nd May.	158	<i>1913</i>	
G. R. No. 5758 dated 8th June.	178	G. R. No. 1123 dated 5th February.	176
G. R. No. 10414 dated 23rd October.	155	G. N. No. 8658 dated 23rd September.	139
G. R. No. 10457 dated 23rd October.	154, 156	G. R. No. 3270 dated 6th December.	145
G. R. No. 11196 dated 16th November.	318	G. R. No. 11393 dated 16th December.	145, 149, 150, 159, 163, 167, 182
G. R. No. 11464 dated 22nd November.	162, 167		
G. R. No. 11543 dated 25th November.	150, 167	<i>1914</i>	
G. R. No. 11754 dated 29th November.	175	G. R. No. 1234 dated 6th February.	320
<i>1908</i>		G. R. No. 1462 dated 14th February.	139, 161, 174
G. R., P. D., No. 720 dated 28th January.	160, 167	G. R. No. 2671 dated 23rd March.	318
G. R. No. 1887 dated 10th February.	183	G. L. No. 4538 dated 11th May.	183
G. R. No. 2951 dated 20th March.	178	G. R. No. 5100 dated 1st June.	117, 118
G. R. No. 5561 dated 4th June.	158	G. R. No. 5798 dated 23rd June.	153
G. L. No. 7063 dated 13th July.	185	G. R. No. 6060 dated 30th June.	168
G. R. No. 7442 dated 21st July.	211	G. R. No. 9470 dated 8th October.	225
G. R. No. 7769 dated 30th July.	183		
<i>1909</i>		<i>1915</i>	
G. N. No. 820 dated 12th January.	310	G. N. No. 755 dated 21st January.	140, 150
G. C., P. D., No. 1108 dated 12th January.	159	G. O. No. 2130 dated 20th February.	180
G. R. No. 4249 dated 3rd May.	160, 207, 208, 209	G. O. No. 2277 dated 24th February.	205
G. R. No. 10042 dated 16th October.	161	G. O. No. 5141 dated 8th May.	144, 145
G. R. No. 11133 dated 17th November.	240		
<i>1910</i>		<i>1916</i>	
G. R. No. 7545 dated 22nd August.	208, 223	G. O. No. 5056 dated 15th May.	140
G. R. No. 7586 dated 23rd August.	318	G. O. No. 8069 dated 17th August.	205
G. R. No. 11928 dated 13th December.	168		
		<i>1917</i>	
		G. O. No. 779 dated 23rd January.	146
		G. O. No. 2072 dated 21st February.	140, 149, 163, 178, 204
		G. O. No. 6214 dated 18th May.	174
		G. O. No. 6849 dated 5th June.	140

G. R., etc.	Page No.	G. R., etc.	Page No.
<i>1918</i>		<i>1923—contd.</i>	
G. N. No. 84 dated 3rd January.	322	G. R. No. 975-C/G. dated 13th September.	152
G. R. and N. No. 1191 dated 5th February.	141, 155, 164	G. R. No. 8920 dated 17th September.	160, 172, 188
G. O. No. 1637 dated 13th February.	176, 189	G. R. No. 9899 dated 19th December.	318
G. O. No. 4575 dated 22nd April.	205		
G. O. No. 5461 dated 8th May.	156	<i>1924</i>	
G. O., G. D., No. 4528 dated 1st July.	322	G. R., P. D., No. 1540 dated 23rd February.	201
G. O. No. 9207 dated 12th September.	210	G. L. No. 8666/G. dated 6th March.	152
		G. M. No. 643-24/G. dated 2nd April.	157
<i>1919</i>		G. R. No. 711/24 dated 11th April.	175, 176, 178, 182
G. O. No. 497 dated 18th January.	225	G. R. No. 686/24 dated 15th April.	174
G. O. No. 1428 dated 12th February.	141	G. R. No. 5097 dated 7th May.	318
G. O. No. 6145 dated 17th June.	146, 150, 172	G. R. No. 711/24 dated 9th June.	160, 161, 172, 180, 187, 188
G. O. No. 7935 dated 5th August.	158	G. N. No. S-18/6 dated 29th July.	97, 142
G. O. No. 8789 dated 27th August.	146	G. R. No. 1640/24 dated 8th August.	231
G. O. 14460 dated 9th December.	161, 319	G. N. No. 10029 dated 6th September.	310
		G. R. No. 1724/24 dated 11th September.	97, 144
<i>1920</i>			
G. O. No. 3134 dated 12th November.	151	<i>1925</i>	
G. O. No. 3464 dated 14th December.	227	G. R. No. 8920 dated 19th February.	161
		G. R. No. 711/24 dated 18th March.	181, 187
<i>1921</i>		G. R. No. 2186/24 dated 1st July.	176, 189
G. N. No. B-205 dated 26th January.	151, 159	G. R., L. D., No. 1501 dated 6th July.	178, 204
G. M. No. C-1594 dated 6th June.	320	G. R. No. 4079 dated 18th July.	178, 178, 234, 241
		G. R. No. 4524/24 dated 21st August.	204, 205, 211, 214, 216, 217, 226, 227, 230, 231, 234, 236, 237, 238, 242
<i>1922</i>			
G. R. No. 4079 dated 6th March.	234	G. N. No. 849/24 dated 10th September.	314
G. M. No. C-696/G. dated 22nd May.	186	G. R. No. 3504/24 dated 28th November.	151
G. R. No. 4079 dated 23rd May.	169, 229	G. R. No. 5388/24 dated 30th November.	318
G. R. No. 5235 dated 26th June.	147	G. R. No. 9210 dated 15th December.	144
G. R. No. 5439 dated 8th July.	183		
G. R. No. 6032 dated 25th September.	144		
<i>1923</i>			
G. R. No. 7243 dated 9th February.	203		
G. R. No. 530/C. dated 10th February.	168, 172		
G. R. No. 8920 dated 20th August.	161		

G. R., etc.	Page No.	G. R., etc.	Page No.
<i>1926</i>		<i>1926—contd.</i>	
G. R., P. D., No. 1540 dated 29th February.	201	G. N. No. S-18/6 dated 28th June.	141
G. R. No. 5267/24 dated 13th February.	209	G. R. and N. No. 3504/24 dated 21st August.	115, 210
G. N. No. 5267/24 dated 13th April.	320	G. R. No. 4524/24 dated 21st August.	160, 172, 180
G. N. No. S-18/6 dated 9th April.	141	G. N. No. S-18/6 dated 22nd September.	244A
G. N. No. S-18/6 dated 29th May.	141	G. N. No. S-18/6 (a) dated 22nd September.	281

# ALPHABETICAL INDEX

[s. = section of the Indian Mines Act, 1923. r. = rule. n. = note.]

PAGES

## ACCIDENT(S)—

notice of —, ss. 20 and 38	...	...	114, 132
inquiry into —, s. 21	...	...	115

## ACREAGE FEE—

meaning of —, n.,	...	...	161
-------------------	-----	-----	-----

## ACT(S)—

the Indian Mines —, 1901	...	...	96 to 136
the Indian Mines —, 1923	...	...	96 to 136
Debates underlying do.	...	...	9 to 94
extent and commencement of the new Act, s. 1	...	...	96
exemption from operation of ditto, s. 46	...	...	135
application of ditto to Crown mines, s. 43	...	...	136
application of section 24 of the Indian Easements—, n.	...	...	162
posting up of abstracts of the—, s. 33	...	...	129

## AGE—

disputes as to —, s. 27	...	...	117
-------------------------	-----	-----	-----

## AGENT—

defined, s. 3 (a)	...	...	96
facilities to be afforded by mine owner, — and manager to Inspectors, s. 8.	...	...	104
recovery from —, owner or manager of expenses of inquiry conducted by Mining Board or Committee, s. 13.	...	...	108
duties and responsibilities of owner, — and manager, s. 16.	...	...	110
notice of mining operations and accidents to be given by owner, — or manager, s. 14, 20.	...	...	109, 114
power of owner, — or manager to make bye-laws, s. 32.	...	...	126
prosecution of owner, — or manager, s. 41	...	...	134

## AGREEMENT(S)—

— with holders of inam lands included in leases, n.	...	...	177, 178
forms of — for use in connection with the transfer of prospecting license and mining lease.	...	...	204 to 244

## AMBULANCE(S)—

— or stretchers to be kept in mines	...	...	312, 320
training in — work	...	...	311

## APPROVAL —

certificate of —, <i>vide</i> “Certificate.”	...	...	
--	-----	-----	--

## APPEAL—

— from Collector's order refusing to grant license, r. 21, n.	...	...	155
— from Collector's order under rule 30 (vii)	...	...	164

**APPLICATION(S)—***vide* also "Returns".

- for license or lease to contain statement of number 149  
and date of Gazette notification of certificate of  
approval, r. 10.
- before considering— for license or lease Collector to 149  
verify the Gazette notification therein quoted and to  
refuse— from person not in possession of valid  
certificate of approval, r. 11.
- for license to be made to Collector, r. 15 ... 152
- to be stamped, *n.* ... ... 152
- to contain certain particulars, r. 16, 18 ... 152, 153
- date and hour of receipt by Collector of— for license 154, 171  
or lease to be noted and acknowledgment to be  
delivered to applicant, r. 19, 41.
- to be thoroughly examined and disposed of without 154  
delay, *n.*
- Collector may refuse— for license, r. 21, *n.* ... 155
- register of— for license or lease, r. 27, 43 ... 159, 171
- for lease not being lease of mine of precious stones 168  
to be presented to Collector, who should forward it  
through proper channel to Government, r. 34, *n.*
- Collector may reject— for lease in certain cases, *n.* ... 168
- particulars to be given in— for lease, r. 38, 40 ... 169, 170

**ASSESSORS—**

- appointment of— in courts of inquiry ... ... 310

**BAUXITE—**

- maximum quantity of— removable free of royalty ... 187
- minimum dead-rent for— mines ... ... 188

**BOARD(S)—**

- constitution of mining— s. 10 ... ... 105
- travelling allowance to member, etc., of—, s. 10 (3) ... 105
- powers of—, s. 12 ... ... 108
- expenses of inquiry conducted by mining—, s. 13 ... 108

**BOOKS—**

- and rules to be kept in convenient place and to be  
produced on demand ... ... 313

**BRITISH SUBJECT—**

- includes subject of Native State for purpose of mining 140  
lease, r. 3, *n.*
- mining concessions may be granted to non—, in 140  
special cases with the approval of the Secretary of  
State, *n.*,

**BYE-LAWS—**

- framing of—, s. 32 ... ... 126

**CERTIFICATE(S)—**

- of competency for mining purposes ... .. 322 to 327
- Check of mining— ... ... 255

CERTIFICATE(S)—*continued*.

manager's —	...	...	...	250, 252, 255, 257
sirdar's —	...	...	...	250, 253, 255, 257
surveyor's —	...	...	...	250, 253, 255
copies of lost —	...	...	...	255

## CERTIFICATE(S) OF APPROVAL—

— to whom grantable, r. 3, <i>n</i> .	...	...	...	140
limited and unlimited, <i>n</i> .	...	...	...	146-147
no prospecting license or mining lease grantable	...	...	...	145
except to a person holding —, r. 7.	...	...	...	
Government to satisfy itself on certain points before	...	...	...	145
granting —, <i>n</i> .	...	...	...	
— can be granted in name of company, etc., <i>n</i> .	...	...	...	145
from what date — have effect and at what date they	...	...	...	147
expire, r. 8.	...	...	...	
fee for —, r. 8	...	...	...	147
forms of—	...	...	...	147 to 149
renewal of —, r. 9, <i>n</i> .	...	...	...	148
fee for renewal of —, r. 9	...	...	...	
names of persons to whom — granted to be published,	...	...	...	149
r. 10.	...	...	...	
application for prospecting license or mining lease to	...	...	...	149
contain statement of number and date of Gazette	...	...	...	
notification of —, r. 10.	...	...	...	
licenses or leases previously granted may be held	...	...	...	149
by grantee no longer in possession of —, r. 12	...	...	...	

## CERTIFICATE OF NATURALISATION—

not to be granted to aliens in certain circumstances, <i>n</i> .	...	...	...	146
--	-----	-----	-----	-----

## CHIEF INSPECTOR—

(*vide* Inspector(s) of Mines).

## CHIEFS—

grant of prospecting licenses and mining leases by	...	...	...	189 to 201
ruling — in their territories, <i>n</i> .	...	...	...	

## CHILD(REN)—

defined, s. 3 (c)	...	...	...	97
prohibition of employment of —, s. 26	...	...	...	116
prohibition of presence of —, s. 26	...	...	...	116

## CHROMITE—

royalty on —	...	...	...	183
--------------	-----	-----	-----	-----

## COAL—

regulations for — mines	...	...	...	244
returns of — mines	...	...	...	245
qualifications of candidates for examinations for colliery	...	...	...	324 to 327
managers' certificates.	...	...	...	
examinations for colliery managers' certificates	...	...	...	328 to 329
royalty on —	...	...	...	180
royalty in case of renewals of licenses or leases for —, <i>n</i> .	...	...	...	182

**COLLECTOR(S)—**

defined, r. 2	...	...	...	140
— authorized to renew certificates of approval, n.	...	...	...	149
— to verify the Gazette notification quoted in application for license or lease and to refuse any application from person not in possession of valid certificate, r. 11.	...	...	...	149
application for license to be made to —, r. 15	...	...	...	152
date and hour of receipt of application for license or leases to be noted by —, etc., and acknowledgment stating the date and hour to be delivered to applicant, r. 19, 41.	...	...	...	154, 171
to inquire whether grant of license is inexpedient, r. 20.	...	...	...	155
— may refuse to grant license, r. 21	...	...	...	155
appeal from order of — refusing to grant license, n.	...	...	...	155
authority of — to grant licenses, r. 22	...	...	...	155
permission of —, etc., necessary for licensee to cut or injure trees, disturb road surface, enter on public pleasure ground, burning or burial ground, or sacred places, or interfere with right-of-way, well or tank, r. 30 (v).	...	...	...	163
— may for certain reasons revoke license or declare deposit forfeited, r. 30 (vii).	...	...	...	164
— may in certain cases reject application for lease, n.	...	...	...	168
general principles to be observed by — in determining area to be included in a single lease, n.	...	...	...	174

**COMMISSIONER(S)—**

— to hear appeals against orders passed by Collectors, n.	...	...	...	155
---	-----	-----	-----	-----

**COMMITTEE(S), MINING—**

constitution and functions of —, s. 11	...	...	...	106
remuneration payable to —, s. 11 (6)	...	...	...	107
powers and duties of —, s. 12.	...	...	...	108

**COMPENSATION—**

— payable by licensee for damage, etc., r. 30 (iv)	...	...	...	162
--	-----	-----	-----	-----

**CONCESSION(S)—**

the principle that ordinarily—involving monopoly should be avoided not to be interpreted as preventing grant of prospecting licenses and mining leases, n.	...	...	...	140
--	-----	-----	-----	-----

**CONSERVANCY—**

— in mines, s. 17	...	...	...	111
-------------------	-----	-----	-----	-----

**COURT OF INQUIRY—**

power to appoint—, s. 21	...	...	...	115, 310
report of—, s. 22	...	...	...	116

**COURT OF WARDS—**

— can with the sanction of the Governor in Council grant lease in talukdari estate under its superintendence, n.	...	...	...	168
--	-----	-----	-----	-----



**FENCING—**

— of dangerous places in mines	...	... 312,	313
— of abandoned mines	...	... 313	
other provisions regarding —	...	... 273,	298

**FIRST-AID—**

provisions for — work in mines	...	.. 311,	312
--------------------------------	-----	---------	-----

**FOREST(S)—**

operations within — to be subject to conditions pre-	165 to 167,
scribed by Government, r. 31, n., r. 51.	180
Conservator of — to be consulted, n.	... 166
it should be a condition of every license that 30 days' notice shall be given to the District — Officer of intention to commence operations and that the operations shall be conducted subject to conditions regarding the use of fire that he may prescribe, r. 31.	165
lease which includes any portion of—shall, if it authorises lessee to fell timber, specify the area within which or quantity up to which and terms and conditions upon which he may exercise that authority, r. 52.	180

**FORMS —**

— of returns and notices	...	... 275-283 & 300-307
--------------------------	-----	--------------------------

**GATES —**

provisions regarding — in mines	...	... 273
---------------------------------	-----	---------

**GOVERNMENT (LOCAL)—**

appointment of Mining Board by —, s. 10	... 105
review by — of decision of Mining Committee, s. 11 (5).	107
remuneration to be paid by — to Members of Committee, s. 11 (6).	107
direction by — of inquiry into accidents, s. 21	... 115
power of — to make rules, s. 30	... 122
decision by — whether a mine is under the Indian Mines Act, s. 45.	135
power of Governor General in Council or of — to alter or rescind orders under the Indian Mines Act, s. 47.	136
— defined, r. 2	... 140
— may delegate to Board of Revenue or Financial Commissioner powers conferred on it by the Mining rules, r. 4.	141
extraction of minor minerals may be regulated by rules framed by —, r. 5, n.	141
— to satisfy itself on certain points before granting certificate of approval, license, or lease, r. 3, n.	140, 141
— may delegate to officer not below rank of Collector power to renew certificate of approval, r. 9.	148

GOVERNMENT (LOCAL)—*continued.*

- may declare, in respect of specified area, that in 153, 154,  
lieu of presenting application containing particulars 170 to  
required in mining rules 16 and 38, applicant for 171  
license or lease shall adopt certain other procedure,  
r. 18, 40.
- may prescribe rate of deposit to meet cost of survey 154  
under mining rule 18, r. 18 (3).
- may direct that in cases in which license is asked 155, 156  
for over large area Collector should make reference  
to higher authority, n.
- may refuse to grant large areas in certain cases, n. ... 160, 161  
revision by — of Collector's order under rule 164  
30 (vii).
- to decide question or dispute arising regarding 165, 179  
the license or lease or matter or thing connected  
therewith or the licensee's powers, or amount or  
payment of fee or royalty, r. 30 (ix), n., r. 50  
(xvi), n.
- to prescribe conditions subject to which operations 165, 180  
may be conducted within forests, r. 31, 51.
- grant by — of lease, r. 45 ... .. 172
- may with sanction of the Governor General in 173  
Council make rules as to dimensions and shape of  
areas for which leases for dredging purposes may  
be granted, r. 47.
- may be empowered by the Governor General 173  
in Council to grant exemption from operation of  
mining rule 47 in respect of specified minerals,  
r. 47.
- power of permitting workings within 50 yards of 225  
public works, etc., delegated to —, n.
- review by — of annual report and returns relating 317  
to mines.

## GOVERNMENT (OF INDIA)—

- power of — to make rules, s. 29 ... .. 118 to 121
- power of — to exempt from the operation of the 135  
Act, s. 46.
- power of — to alter or rescind orders under the 136  
Act, s. 47.

## HAULAGE—

- provisions regarding — ... .. 267

## HEALTH—

- provisions for safeguarding — in mines ... .. 310, 311

## INFORMATION—

- to be given by Inspector to mine owners, etc., 102  
s. 5 (2).
- acquired to be deemed official secrets, s. 9 ... 104
- every person bound to furnish — required by Com- 108  
mittees, s. 12 (2).

INFORMATION—*continued.*

- to be given by licensee regarding minerals in or 168  
geological formation of area not taken up by him  
under a lease, r. 33.
- when lease executed by Government, lessee to be 172  
supplied with form showing heads under which —  
is to be given to District Magistrate, *n.*

## INJURY—

- serious bodily — defined, s. 3 (*k*) ... 99
- notice of death from —, s. 20 ... 114

## INSPECTION—

- fees for — of registers of applications for licenses and 159, 172  
leases, *n.*

## INSPECTION BOOK—

- keeping of — ... 288

## INSPECTOR(S) OF MINES—

- appointment of Chief —, s. 3 (*b*) ... 97
- appointment of —, s. 3 (*e*) ... 97
- Chief — and — are public servants, s. 4 (*4*) ... 101
- not to have interest in mines or mining rights, 100  
s. 4 (*2*).
- correspondence with Chief —, *n.* ... 101
- Chief — under the general control of the Director of 101  
the Geological Survey of India, *n.*
- to give certain information to owner, etc., of mine, 102  
s. 5 (*2*).
- powers of — and Chief —, s. 6 ... 102, 103
- facilities to be afforded to — and Chief —, s. 8 ... 104
- functions of —, s. 5 ... 102
- powers of — when causes of danger not provided 112 to 114  
against exist or when employment of persons  
is dangerous, s. 19.

## INTOXICATING DRINKS—

- prohibition of — in mines ... 313

## IRON ORE—

- renewal of mining lease for —, r. 49 ... 175
- royalty on — ... 182

## LABOUR—

- hours of limitation of employing —, ss. 23 to 29 ... 116 to 121
- prohibition of child —, s. 26 ... 116
- punishment for contravention of provisions regarding 131  
employment of —, s. 37.

## LADDERWAYS—

- provisions regarding — ... 294

## LAND—

- surface of unoccupied and unreserved — may be 145  
searched without authority, r. 6.
- search of occupied — can be made only with occupier's 145  
consent, r. 6.

**LAND—continued.**

- exploration of surface of — in Baluchistan and the 145  
North-West Frontier Province can be carried on  
only under license, r. 6.
- license or lease grantable only in respect of — in 150, 168  
which the mines, etc., are Government property,  
r. 14, 35.
- mining rights over different tenures of— ... 151, 152
- survey of — applied for by an applicant for license or 153, 154,  
lease, r. 18, *n.*, r. 40. 170, 171
- when — required for public purpose or otherwise, 155  
Collector may consider grant of license inexpedient,  
r. 20.
- licensee to restore surface of —, etc., within six months 165  
after determination of license or date of abandon-  
ment of undertaking, r. 30 (viii).
- agreement with holders of inam — included in 177, 178  
lease, *n.*

**LAND REVENUE CODE—**

- application of s. 69 of the —, *n.* ... 151

**LAW OFFICER—**

- the Remembrancer of Legal Affairs and not the 173  
Solicitor to Government is the — for drafting  
mining leases, *n.*

**LEASE(S), MINING—**

- rules regulating grant of — ... 168 to 180
- grant of — by Darbars ... 197 to 201
- previously granted may be held by grantee no 149  
longer in possession of certificate of approval, r. 12.
- not to be given to railway officials or other gentle- 155  
men in permanent employ except in certain  
circumstances, *n.*
- right of licensee to —, r. 32, *n.*, r. 45, *n.* ... 167, 168,  
172
- application for —, not being lease of mine of precious 168  
stones, to be presented to Collector, r. 34, *n.*
- prospecting work not obligatory on prospector wishing 168  
to get a lease, *n.*
- in what cases Collector may reject application 163  
for —, *n.*
- grantable only in respect of land in which mines, 168  
etc., are Government property, r. 35, *n.*
- Court of Wards can with sanction of Governor-in- 163  
Council grant — in talukdari estate under its  
superintendence, *n.*
- particulars to be given in application for —, r. 38 ... 169, 170
- in respect of specified areas Government may 170, 171  
declare that in lieu of application containing parti-  
culars required in mining rule 38, applicant for —  
may adopt certain other procedure, r. 40.

LEASE(S), MINING—*continued*.

who has prior right to—in case of two or more	171
applications affecting same land, r. 42.	
register of applications for —, r. 43	171, 172
grant by Government of —, r. 45	172
when — executed by Government, lessee to be in-	172
formed of his responsibilities and supplied with	
form showing heads under which information is	
to be given to District Magistrate, <i>n</i> .	
lapse of right of applicant to —, r. 46, <i>n</i> .	173
— to be approved by Government legal adviser, r. 46, <i>n</i> .	173
proportion of length to breadth of area held under	173
—, r. 47.	
principles for determining area to be included in a	174
single —, <i>n</i> .	
boundaries below surface of areas given out on — shall	174
be considered to run vertically downwards, r. 48	
lateral underground encroachment not permissible	174
under —, r. 48, <i>n</i> .	
term for which — may be granted, r. 49	175
conditions and stipulations to be included in —, r. 50.	175 to 180
conditions to be kept in view in granting oil —, <i>n</i> .	178
— which includes any portion of a forest shall, if it	180
authorises lessee to fell timber, specify area within	
which or quantity up to which and terms and condi-	
tions upon which he may exercise that authority,	
r. 52.	
— of mine of precious stones to be granted by the	180
Governor General in Council, r. 53.	
determination of —, r. 54	180
when lessee exercises option of determining — he shall	180
not be granted a new lease over a portion only of	
the land covered by original —, r. 54.	
standard form of —	220 to 243
standard form of agreement for use in connection with	243 to 244
the transfer of —.	
copies of forms of— to be kept by the Manager,	205
Yeravda Prison Press, in stock and supplied to	
Collectors and sold to applicants.	
surrender of — must cover whole area, <i>n</i> .	240

LESSEE(S), *see also* under Lease(s)—

— to erect, etc., boundary marks and pillars, r. 50	176
(iv).	
— should not be re-granted lease of area already	240
surrendered by him.	

## LICENSES, EXPLORING—

issue of — discontinued, r. 6	145
-------------------------------	-----

## LICENSE(S), PROSPECTING—

rules regulating grant of —	150 to 168
-----------------------------	------------

LICENSE(S), PROSPECTING—*continued.*

—previously granted may be held by grantee no longer in possession of certificate of approval, r. 12 .	149
—confers on licensee sole right to mine, etc., r. 13, n.	150
—grantable only in respect of land in which mines, etc., are Government property, r. 14.	150
—in respect of alienated lands	151
—in respect of unalienated lands	151
—in respect of talukdari estates	151
—in respect of mewasi estates	151
—in respect of inafi-nishistagah lands	152
—in respect of other special tenures	151, 152
application for—to be made to Collector, r. 15	152
stamp duty on, n.	152
in respect of specified areas Government may declare that in lieu of presenting application containing particulars required in mining rule 16, applicant for—shall adopt certain other procedure, r. 18.	153
Collector to inquire whether grant of—expedient, r. 20.	155
Collector may refuse to grant— , r. 21	155
—to be granted to persons who really intend to prospect, n.	155
—not to be given to railway officials or gentlemen in other permanent employ except in certain circumstances, n.	155
Collector to grant—in prescribed form, r. 22	155
authority of Collector to grant— , n.	155
holder of a—has indefeasible right to mining lease, n.	167
—may be granted without regard to area held under leases, n.	155-156
to whom priority to be given when two or more applicants apply for—for same land, r. 23, n.	156
only one—need be granted to include all minerals asked for, n.	158
lapse of right of applicant to— , r. 26, n.	159
register of applications for— , r. 27	159
conditions to be contained in— , r. 30	160 to 165
term of—and its renewal, r. 30 (i)	160
licensee to pay compensation for damage, etc., done in exercise of powers granted by—and indemnify Government against claims of third parties, r. 30 (iv).	162
assignment and transfer of— , r. 30 (vi), n.	163
revocation of—in case of breach of rules, r. 30 (vii)...	164
question or dispute regarding— , etc., to be decided by Government, r. 30 (ix), n.	165
giving of notice to Forest Officer of intention to commence operations within forests and that operations shall be conducted subject to the conditions regarding use of fire that he may prescribe is to be a condition of every— , r. 31.	165

**LICENSE(S), PROSPECTING—***continued.*

no term can be inserted in — making grant of lease	165
dependent upon furnishing evidence of likelihood of deposit being sufficiently abundant and permanent, <i>n.</i>	
copies of form of — to be kept in stock by the Manager, Yeravda Prison Press, and supplied to Collectors and sold to applicants, <i>n.</i>	205
standard form of —	205 to 214
standard form of agreement for use in connection with the transfer of —	219
privileges of getting building and road materials, etc., described in clause 5 of Part II of standard form of lease do not extend to holders of —, <i>n.</i>	223

**LIGHTING—**

provisions regarding —	271
------------------------	-----

**LOCAL FUND CESS—**

— on rents and royalties, <i>n.</i>	175
-------------------------------------	-----

**LOWERING OF PERSONS AND MATERIALS—**

provisions regarding —	259, 289
------------------------	----------

**MAFI-NISHISTAGAH LANDS—**

rights to minerals in —, <i>n.</i>	152
------------------------------------	-----

**MAGISTRATE(S)—**

power of District —, s. 4(3)	101
report to be submitted by District —, <i>n.</i>	318
lessee to be informed of his responsibilities by District —, <i>n.</i>	172

**MANAGEMENT—**

— of mines	248, 288
------------	----------

**MANAGER(S), also see under Agent.**

every mine to have a —, s. 15	109
duties and responsibilities of —, s. 16	110
restrictions relating to — of mines	249, 252
appointments by —	250
inquiry regarding misconduct or incompetence of —	255, 256
permit of —	256, 257

**MANGANESE—**

maximum quantity of — removeable under license, <i>n.</i>	160
dead rent on — mines	188
royalty on —, <i>n.</i>	182
maximum quantity of — removeable free of royalty	187

**MAP(S)—**

— or plan to accompany application for license or lease, r. 16, 38.	153, 169
Collector may prepare — or plan and recover cost from applicant, r. 17, 39.	153, 170
fees for preparing — or plan, <i>n.</i>	153
deposit for cost of preparing —, <i>n.</i>	153

MAPS(S)—*continued*.

- Government may order survey at lessee's expense 170  
 if — or plan not prepared by Collector, r. 39.  
 punishment for omission to furnish — or plan, s. 36 ... 131

## MEWASDAR(S)—

- a — has no right to minerals in his land, n. ... 151

## MEDALS—

- Royal warrants for award of — for heroic acts ... 320 to 322

## MEDICAL APPLIANCES—

- to be kept ready at hand, s. 18 ... 111, 320

## MEDICAL PRACTITIONER—

- qualified — defined, s. 3 (2) ... 99

## METALLIFEROUS MINES—

- Regulations for ... 284

## MICA—

- royalty on — ... 180  
 maximum quantity of — removeable free of royalty ... 187  
 annual returns of — mines ... 235, 300,  
 305

MINE(S) (*see also under reports and returns*).

- defined, s. 3 (f), n. ... 97, 141 to  
 144

when rules made under the Indian Mines Act, 102

Inspector to inform owner, etc., of —, s. 5 (2).

decision by Local Government whether a mine is  
 under the Indian Mines Act, s. 45. 135

lease of — of precious stones to be granted by the  
 Governor General in Council, r. 53. 180

interconnected — ... 248

— officials ... 248

adjacent — for effective supervision ... 249

MINERAL(S) (*see also under Leases, Licenses, Mines,  
and Returns*)—

essential and non-essential —, n. ... 190

minor —, r. 5, n. ... 141 to 144

rights of the State to — ... 151

powers necessary for enjoyment of —, n. ... 151, 162

reservation of the right to —, n. ... 151, 162

in absence of law giving Government right to work 162, 163

— and delegate its powers to assignees, the owner  
 or occupier of surface ground has the right of  
 excluding entry of licensees or lessees, n.

all — should be treated as reserved, n. ... 204

MINING BOARDS—*Vide* "Boards."MINING COMMITTEES—*Vide* "Committees."MINING LICENSES—*Vide* "License(s)."MINING LEASES—*Vide* "Leases,"



## MINING OPERATIONS—

notice to be given of —, s. 14 ... 109

MINING RULES—*Vide* “Rules.”

## MONOPOLY—

a mining concession should not be construed as a — *n.* 140

## NATIVE STATES—

grant by — of mining concessions, *n.* ... 189 to 201

supply by — of information for embodiment in annual returns. 318

return of applications for licenses and leases in — ... 318

NATURAL GAS ... 160, 172, 181

NATURAL PETROLEUM ... 160, 172, 181

## NOTICE—

— of abandonment of mines ... 245, 285

— of change of ownership of mines ... 246, 285

— of new appointment of agents ... 246, 285

— of extending mining operations near a railway ... 246, 286

— of accident in a mine ... 246, 283, 286, 307

## OBSTRUCTION—

punishment for —, s. 34 ... 129

## OFFENCES—

penalties for — under the Indian Mines Act, 129 to 133 ss. 34–40.

cognizance of —, s. 43 ... 134

## OFFICIALS—

in what cases licenses or leases may be granted to —, *n.* 155

## OIL—

*vide* “Petroleum”.

conditions to be kept in view in granting — mining lease, *n.* 178, 179

royalty on — ... 181

## ORDERS—

punishment for disobedience of —, s. 39 ... 132

power to alter or rescind, s. 47 ... 136

OWNER—*Vide* “Agent.”

defined, s. 3 (*g*) ... 98

## PENALTIES—

— for offences, s. 34 ... 129, 130

## PERSON(S)—

defined, r. 2 and *n.* ... 140

safety of — ... 312 to 313

**PETROLEUM (NATURAL)—**

period of prospecting license for —, r. 30...	... 160
an officer of the Geological Survey should be consulted	161
on an application for extension of the term of a prospecting license for —, n.	
royalty on —	... 181
maximum quantity of — removeable free of royalty	... 187

**PLANS—*Vide* “Map(s).”**

punishment for omission to furnish —, s. 35	... 131
mode of preparing —	... 247, 286
examination of —	... 248, 287

**POLITICAL AGENTS—*Vide* “Native States.”****POSTINGS—**

— not to be defaced	... 314
— of extracts from Act, Regulations, etc.	... 314

**POTSTONE—**

— included in general heading “all other minerals”	183
for purpose of royalty, n.	

**POWER(S)—**

— of District Magistrates, s. 4 (3)	... 101
— of Chief Inspectors and Inspectors, s. 6	... 102
— of Government to grant prospecting license and mining lease, rr. 23 and 42 and notes.	156, 157, 171
— to make rules and regulations, ss. 29 and 30	... 118 to 124
— to make bye-laws, s. 32	... 126
— to exempt from operation of the Indian Mines Act, s. 46.	135
— to alter or rescind orders passed under the Indian Mines Act, s. 47.	136
— of Collector to grant prospecting license, n.	... 155, 156
— to permit workings within 50 yards of public works delegated to Local Government, n.	225

**PRECIOUS STONES—**

lease of mine of — to be granted by the Governor	180
General in Council, r. 53.	

**“PRESCRIBED”—**

defined, s. 3 (h)	... 99
-------------------	--------

**PROFITS—**

calculation of —, n.	... 181
----------------------	---------

**PROSECUTION—**

— of owner, etc., s. 41	... 184
limitation of —, s. 42	... 184
reference to Board or Committee in lieu of —, s. 44...	184

**PROSPECTING LICENSES—*Vide* “Licenses.”****QUALIFICATIONS —**

— of candidates for mining examinations	... 322 to 327
---	----------------

**QUARRIES—**

exemption of certain — from operation of the Indian Mines Act, *n.* 142 to 144

it is not open to a railway company to allow contractors to sell metal to outsiders from — made over to it, *n.* 144

**RAILWAY—**

notice of extending mining operations near a — ... 246

**RAILWAY OFFICIALS—**

in what cases licenses or leases may be granted to —, *n.* 155

**RAISING OF PERSONS AND MATERIALS—**

provisions regarding — ... 259, 289

**RECORDS—**

punishment for falsification of — s. 35 ... 130

of persons working in mines ... 275

**REGISTER(S)—**

— of applications for licenses, r. 27 ... 159

— — leases, r. 43 ... 171

fees for inspection of —, *n.* ... 159

— of employees, s. 28 ... 117

— of holders of mining certificates or permits ... 257

**REGISTRATION—**

— of prospecting license and mining lease ... 205

— of assignment or transfer of license or lease, r. 30 163, 178  
(vi), *n.*, r. 50 (vii).

**REGULATION(S)—**

saving of — XII of 1887, s. 2 ... 96

definition of —, s. 3 (*j*) ... 99

power to make —, s. 29 ... 118 to 121

posting up of abstracts of —, s. 33, *n.* ... 129, 314

— for coal mines ... 244A

— for metalliferous mines ... 284

**RENT—**

dead — to be paid for the whole area covered by the lease, *n.* 176

dead — to be paid by lessee, r. 50 (ii), Schedule C ... 176, 188

surface — to be paid by lessee, r. 50 (iii), Schedule D. 176, 189  
*Vide also "ROYALTY."*

**REPEALS—**

— of enactments, s. 50 ... 136

**REPORT(S).**

publication of — of inquiry into accidents, etc., s. 22 . 116

regarding defect in a mine ... 274, 298

originals of — how long to be maintained ... 313

information required for annual — on working of the Mines Act when, how, by whom and to whom to be furnished, *n.* 317 to 320

review of annual — and returns relating to working of the Mines Act to be forwarded by Government to Chief Inspector, *n.* 318

RESERVED MINERALS—*Vide* “Minerals”.

## RETURN(S)—

— of licenses granted or refused, r. 29, n.	...	159
— required for the annual report on the working of 317, 318 the Mines Act.	...	318, 319
— of applications for licenses and leases	...	320
monthly — of gold production	...	245
— of coal mines	...	300
— of metalliferous mines	...	275
— of coal raisings and despatches	...	276
annual — of coal mines	...	277, 301
— of persons employed	...	277, 301
— of wages paid	...	279, 303
— of accidents	...	279, 303
— of prosecutions	...	279, 303
— of epidemic diseases	...	279, 303
— of electrical apparatus	...	280, 304
— of explosives	...	281, 305
— of safety lamps	...	281
— of mechanical ventilators	...	281
— of coal-cutting machines	...	281
— of mining output	...	282, 305, 306
annual — of mica mines	...	285, 300, 305
annual — of other mines	...	285, 300

## REVISION—

— of orders passed by District Officers, n.	...	155, 164
---	-----	----------

## ROADS AND WORKING PLACES—

provisions relating to — in mines	...	262 310
-----------------------------------	-----	---------

## ROYALTY—

— payable by licensee, r. 30 (iii)	...	162, 180, 181, 182
— can vary according to situation of area, n.	...	162
— payable by lessee, r. 50 (i) ...	...	175, 180, 181, 182
rent and — to what department to be credited and by whom collected, n.	...	175
local fund cess to be levied on rent and — payable under leases, but not on rents payable under licenses, n.	...	175
local fund cess on rent and — in cases where Collector as manager on behalf of a talukdari estate has made agreement with holders of leases, n.	...	176
schedule of —	...	180, 181, 182
how profits to be calculated for purposes of —, n.	...	181
— chargeable in case of renewal of existing licenses or leases n.	...	182

**ROYALTY—continued.**

soapstone, talc and potstone included in the general heading "all other minerals" for purposes of—, <i>n.</i>	183
— on chromite, <i>n.</i> ... ..	183
— on manganese, <i>n.</i> ... ..	183 to 186
maximum quantities removeable free of —	187

**RULE(S) AND REGULATION(S)—**

when—made under the Indian Mines Act, Inspector to inform owners, etc., of mines, s. 5 (2).	102
power to make —, ss. 29 and 30 ... ..	118 to 124
— for regulating grant of prospecting licenses and mining leases.	189 to 189
prior publication of —, s. 31 ... ..	125
general mining—apply to dredging concessions, <i>n.</i> ...	139
Mining—not applicable to minor minerals, r. 5 ...	141
rules as to dimensions and shape of areas for which leases may be granted for dredging purposes, r. 47, <i>n.</i>	174
copy of—under the Indian Mines Act to be kept at every mine.	314
posting up of abstracts of —, s. 33 ... ..	129, 314

**RULING PRINCES—**

grant of prospecting licenses and mining leases by —, <i>n.</i>	189 to 201
---	------------

**SAFETY—**

provisions for — in mines ... ..	312, 313
----------------------------------	----------

**SANITATION—**

provisions for — in mines ... ..	310, 311
----------------------------------	----------

**SAVING CLAUSE—**

no suit, prosecution or other legal proceeding to lie for anything done in good faith under the Act, s. 49.	136
---	-----

**SECRECY—**

— of information obtained officially, s. 9 ... ..	104
---	-----

**SECURITY BOND—**

form of—to be taken from a mining concessionaire, <i>n.</i>	157, 158
---	----------

**SHAFTS—**

provisions regarding — in mines ... ..	257, 289
--	----------

**SIGNALS—**

principal — to be used in mines ... ..	260, 268, 290
--	---------------

**SOAP-STONE—**

— included in general heading "all other minerals" for purposes of royalty, <i>n.</i>	183
---	-----

**SPECIAL OFFICER—**

Powers of —, s. 7 ... ..	103
--------------------------	-----

## SPECIAL TENURES—

right to minerals in lands held on —, *n.* ... 151, 152

## STAMP DUTY—

application for license liable to —, *n.* ... 152

— on transfers of licenses and leases, *n.* ... 163

— on agreement with holders of inam land included in lease, *n.* 177

— chargeable on prospecting licenses as agreements, *n.* 152

## SUPERVISING STAFF—

meaning of —, ... 312

## SURVEY—(See under Land.)

## SURVEYOR—

— 's certificate ... 250

## TALC—

— included in general heading “all other minerals” for purposes of royalty, *n.* 183

## TALUKDAR(S).

— possesses no rights to mines in his land, *n.* ... 151

## TALUKDARI ESTATE—

Court of Wards can grant lease with sanction of Governor in Council in — under its superintendence, *n.* 168, 169

local fund cess on rent and royalty in cases where Collector as manager on behalf of a — has made agreement with holders of mining leases, *n.* 176

## TRANSFER—

— of license or lease, r. 30 (vi), *n.*, r. 50 (vii) 163, 178

standard forms of agreement for use in connection with the — of license and lease ... 219, 243, 244

## TREES—

— not to be cut or injured by licensee or lessee, r. 30 (v), 50 (vi). 163, 178

## UNIVERSITIES—

—, etc., approved for training for mining examinations. 328

## VENTILATION—

provisions regarding ... 271

## WARRANT(S)—

Royal — for award of medals for heroic acts ... 320 to 322

## WATER—

— rate included in rent rate ... 189

supply of drinking — at mines ... 310

## WEEK—

— defined, s. 3 (d) ... 99

## WEIGHTMENT AND MEASUREMENT—

— of minerals, etc., won by licensee, *n.* ... 211

## WOMEN—

power to frame regulations prohibiting the employ- 120  
ment of — in mines, s. 29 (*j*).

## WORKING PLACES—

provisions regarding — ... 262, 292  
310

## WORKINGS—

mine — ... 292





